

County of Los Angeles

Parcel 44 Visitor- and Boater-Serving Retail Project Final Environmental Impact Report Project # R2013-01647-(4) SCH #2013081040



Prepared For:
County of Los Angeles
Department of Regional Planning
320 Temple Street
Los Angeles, CA 90012

May 2015

PARCEL 44 VISITOR- AND BOATER-SERVING RETAIL PROJECT

Final Environmental Impact Report

Project # R2013-01647-(4)

SCH #2013081040

Prepared for:

County of Los Angeles
Department of Regional Planning
320 Temple Street
Los Angeles, CA 90012

Prepared by:

Impact Sciences, Inc.
638 East Colorado Blvd, Suite 301
Pasadena, CA 91101

May 2015

TABLE OF CONTENTS

Section	Page
1.0 Introduction	1.0-1
2.0 Responses to Comments.....	2.0-1
Letter Number 1: Los Angeles Metropolitan Transit Authority, received March 16, 2015	2.0-2
Letter Number 2: J Kurland, received March 4, 2015.....	2.0-4
Letter Number 3: Samantha Carlson, received March 31, 2015.....	2.0-6
Letter Number 4: Robert E. Kellock, received March 31, 2015	2.0-10
Letter Number 5: Johntommy Rosas, received March 11, 2015.....	2.0-13
Letter Number 6: Hearing Examiner, March 4, 2015	2.0-16
3.0 Corrections and Additions.....	3.0-1
4.0 Mitigation Monitoring and Reporting Program	4.0-1

LIST OF TABLES

Table	Page
4.0-1 Mitigation Monitoring and Reporting Program Matrix.....	4.0-2

1.0 INTRODUCTION

This document is the Final Environmental Impact Report (EIR) for the Parcel 44 Visitor- and Boater-Serving Retail Project. This document together with the Draft EIR and its technical appendices comprise the Final EIR. The document has been prepared by the County of Los Angeles in accordance with the California Environmental Quality Act (CEQA).

The Final EIR is required under Section 15132 of the *State CEQA Guidelines* to include the Draft EIR, comments and recommendations received on the Draft EIR, the responses of the lead agency to significant environmental issues raised by those comments in the review and consultation process, and any other relevant information added by the lead agency (including minor changes to the Draft EIR). A Mitigation Monitoring and Reporting Program is also required; it can be a separate document, or, as in this case, included in the Final EIR.

The evaluation and response to comments is an important part of the CEQA process as it allows the following: (1) the opportunity to review and comment on the methods of analysis contained within the Draft EIR; (2) the ability to detect any omissions which may have occurred during preparation of the Draft EIR; (3) the ability to check for accuracy of the analysis contained within the Draft EIR; (4) the ability to share expertise; (5) the ability to discover public concerns.

This document provides revisions to the Draft EIR made in response to comments, staff review, and/or changes to the proposed project. These revisions also correct, clarify, and amplify the text of the Draft EIR, as appropriate, and do not alter the conclusions of the Draft EIR.

PROCESS

In accordance with Section 15050 of the *State CEQA Guidelines* the County of Los Angeles is the lead agency that prepared both the Draft and Final EIR for the project, known as the Parcel 44 Visitor- and Boater-Serving Retail Project. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified by mail, newspaper, property posting, library posting and on the Department's website of the March 4, 2015 hearing that was conducted on the Draft EIR by a Regional Planning Department Hearing Examiner. Newspaper notices were published in *The Daily Breeze* on February 14, 2015 and *La Opinion* on February 13, 2015. Notices to property owners and tenants located within a 500-foot radius of the property boundaries, and to three local libraries, were mailed on February 10, 2015. Notices were verified to be posted on the subject property and were made available on the Department's website on February 12, 2015. On February 12, 2015, a Notice of Completion and Notice of Availability (NOC-NOA) of a Draft EIR was posted at the County Recorder's office. On February 12,

2015 the NOC-NOA was sent by mail to required agencies including the State Clearinghouse and other interested parties. The NOC-NOA was also posted on the project site and on the Department's website. The formal public review period for the Draft EIR was from February 13, 2015 to March 31, 2015. Comments on the Draft EIR were received during the comment period, and those comments are responded to in this Final EIR. The Final EIR, together with the proposed project, will be submitted to the County of Los Angeles Regional Planning Commission (the Commission) for review, and the Commission will consider certification of the Final EIR and approval of:

The proposed project requires the following discretionary actions:

- Certification of an Environmental Impact Report.
- Coastal Development Permit required to authorize the demolition of all existing facilities located on the site and the development/construction of new proposed structures and appurtenant facilities on the parcel.
- Parking Permit required to authorize commercial tandem parking and a reduction in Code required parking for the project. The commercial tandem spaces will be serviced by valet.
- Conditional Use Permit required to ensure consistency with subject parcel's "Waterfront Overlay Zone" development criteria.
- Variance required to authorize a reduction in the required side yard for installation of the proposed open boat storage racks.

CONTENT OF THE FINAL EIR

As discussed above, the primary intent of the Final EIR is to provide a forum to air and address comments pertaining to the analysis contained within the Draft EIR. Pursuant to Section 15088 of the *State CEQA Guidelines*, the County has reviewed and addressed all comments received on the Draft EIR by the comment period deadline. Included within the Final EIR are the written comments that were submitted during the public comment period as well as oral comments (relevant to the EIR) received at the public hearing.

In order to adequately address the comments provided by interested agencies and the public in an organized manner, this Final EIR includes the following chapters and appendices:

Section 1.0: Introduction. This chapter provides a brief introduction to the Final EIR and its contents.

Section 2.0 Responses to Comments: This chapter provides a list of commenting agencies, organizations, and individuals. Responses to all comments on the Draft EIR are also included in this chapter. Some of the comment letters received on the Draft EIR also provide comments on the project design (not the

anticipated environmental impacts). These design-related comments are addressed separately as part of the design review process.

Section 3.0: Corrections and Additions. This chapter provides a list of corrections and additions to the Draft EIR. None of the changes significantly impact the conclusions presented in the Draft EIR.

Section 4.0 Mitigation Monitoring and Reporting Program: This chapter includes the Mitigation Monitoring and Reporting Program (MMRP) prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the *State CEQA Guidelines*.

The Final EIR also includes the previously circulated Draft EIR, herein incorporated by reference.

REVIEW AND CERTIFICATION OF THE FINAL EIR

Consistent with CEQA (Public Resource Code Section 21092.5), responses to agency comments are being forwarded to each commenting agency 10 days prior to certification of the Final EIR. In addition, responses are also being distributed to all commenters who provided an address.

To ensure public access to the Final EIR, copies of the document are available for review online at <http://planning.lacounty.gov/case/all> (listed under County Project No. R2013-01647)

Copies of the Final EIR will also be available for public review Monday through Thursday, 7:30 AM to 5:30 PM at:

Los Angeles County Department of Regional Planning
Special Projects Section,
Room 1362 320 West Temple Street
Los Angeles, CA 90012
(213) 974-4813

2.0 RESPONSES TO COMMENTS

The Draft EIR for the Parcel 44 visitor- and boater-serving retail project was circulated for public review on February 10, 2015. The public review period, which ended on March 31, 2015, afforded public agencies, organizations, and the public the opportunity to review the Draft EIR and submit written comments regarding the Draft EIR and the proposed project in accordance with Section 15073 of the *California Environmental Quality Act (CEQA) Guidelines*. The following comments were received during the public review period.

Written comment letters were received from the following public agencies and individuals:

Letter Number 1: Los Angeles Metropolitan Transit Authority, received March 16, 2015

Letter Number 2: J Kurland, received March 4, 2015

Letter Number 3: Samantha Carlson, received March 31, 2015

Letter Number 4: Robert E. Kellock, received March 31, 2015

Letter Number 5: John Tommy Rosas, received March 11, 2015

Oral comments were provided at the following public hearings:

Letter Number 6: Hearing Examiner, March 4, 2015

PUBLIC COMMENT AND RESPONSES

The following pages provide the written comment letters or a summary of the oral comments made at each public hearing, and the County's responses to these comments.

**Metro**

Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952213.922.2000 Tel
metro.net

March 16, 2015

Anita Gutierrez, AICP
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

RE: Parcel 44 Project Draft EIR

Dear Ms. Gutierrez:

Thank you for the opportunity to comment on the Parcel 44 Project Draft EIR. In the letter submitted by Metro for NOP of Parcel 44 Draft EIR at September 13, 2013 Metro requested the following to be considered in the Draft EIR:

The Marvin Braude Bike Path that runs through the project site provides bicycle access to the proposed project and connects with the South Bay Bike Trail and the Ballona Creek Trail, both major bicycle facilities in the region. In their interest of supporting all modes of transportation and minimizing congestion across the County, LACMTA commends the realignment of the bicycle path along the waterfront in the proposed project. LACMTA would also like to provide the following comments related to bicycle facilities:

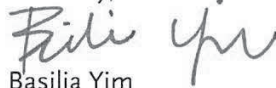
1. The design of the proposed bike path should meet the standards in the Caltrans Highway Design Manual (HDM) and California Manual on Uniform Traffic Control Devices (MUTCD).
2. During construction, the applicant should provide adequate detours for bicycles and pedestrians including proper signage and safe alternative routing.
3. LACMTA recommends that the project include secure long term and short term bicycle parking to meet the needs of the project users and integrate with the adjacent bike path.

However, in the construction impacts section of the Draft EIR, safe alternate pathway was not considered for the bike path users during construction. Please incorporate that into the EIR.

If you have any questions regarding this response, please contact me at (213) 922-4063 or by email at yimb@metro.net. LACMTA looks forward to reviewing the Final EIR. Please send it to the following address:

LACMTA Development Review
c/o Nareh Nazary
One Gateway Plaza MS 99-18-3
Los Angeles, CA 90012-2952

Sincerely,


Basilia Yim

1-1

1-2

1-3

1-4

Letter Number 1: Metro

LACMTA Development Review
One Gateway Plaza MS 99-18-3
Los Angeles, CA 90012-2952
c/o Nareh Nazary
Basila Yim

Response 1-1

The commenter generally expresses support for the proposed realignment of the bike path. The design of the bike path is still conceptual. Both the Caltrans Highway Design Manual (HDM) and the California Manual on Uniform Traffic Control Devices will be reviewed during the design process.

Response 1-2

As stated above, final design for the bike path is not complete. However, provisions for safety during construction will be developed. To ensure the safety of cyclists during construction it is anticipated that construction safety provisions will be included during each phase of construction. During the demolition and grading phase, the project site will be divided into three zones to work around the existing bike path. Once demolition is complete, the bike path will be temporarily relocated to the east end of the property along Admiralty Way. This relocation is necessary to ensure safety of cyclists during construction. Proper signage will be provided to ensure cyclists are aware of the relocation and the relocated bike path will be fenced on both sides (emergency gates will be provided) and paved to ensure safety. To ensure cyclists are not affected by construction-related dust, a dust screen will be installed on the construction side of the fence. Finally, once construction of the promenade and the new buildings is complete, the new alignment of the bike path would be opened. It is expected the temporary bike path will be in use for approximately nine months. Please see **Section 3.0, Corrections and Additions**, for text added to the Final EIR related to the bike path construction and two additional figures.

Response 1-3

The commenter suggests the project provide short and long term bicycle parking. The project includes 76 bicycle parking spaces, nine long-term parking spaces, and 67 short-term spaces.

Response 1-4

Please refer to **Response 1-2**, above. The text above has been added to the EIR; please see **Section 3.0, Corrections and Additions**.

From: DRP Marina del Rey <Dbbd01@planning.lacounty.gov>
Sent: Wednesday, March 04, 2015 11:12 AM
To: Jessica Kirchner Flores; Kathleen King
Subject: FW: No. R2013-01647 DEIR Public Comment

Public comment

*I have recently changed phone numbers. You can now reach me at (213) 974-6422.

Anita D. Gutierrez, MPL, AICP | Acting Supervising Regional Planner
Community Studies West Section
Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor | Los Angeles, CA 90012
Phone: 213.974.6422

From: J Kurland [<mailto:jjsk7@hotmail.com>]
Sent: Wednesday, March 04, 2015 9:32 AM
To: DRP Marina del Rey
Subject: No. R2013-01647 DEIR Public Comment

Ms. Gutierrez –

The proposed County Project No. R2013-01647 on Admiralty Way between Mindanao Way & Bali Way blocks water views.

The design is not representative of a marina, nor of southern California. Both a marina and California should be dominate design features to provide character and unity to Marina del Rey.

2-1

2-2

Thank you,
J. Kurland
19-yr resident

Letter Number 2: J Kurland

Jjsk7@hotmail.com

Response 2-1

The commenter expresses an opinion regarding potential water views. Section 4.1 of the Draft EIR provides an analysis of the potential for the project to obstruct water views. As stated on page 4.1-26, “a number of view corridors are incorporated into the project site. These view corridors provide unobstructed view of greater than 48 percent of the project’s waterfront, providing public views of the marina boating basins and main channel.” As stated in Section 4.1, these view corridors exceed the requirements for the project site outlined in the certified Local Coastal Program (LCP). Therefore, the project provides water views beyond what is required for the site.

Response 2-2

The commenter expresses an opinion on the architecture of the proposed project. As stated in Section 4.1 Aesthetics, the certified LCP requires that the proposed project site plans and architectural design be reviewed and approved by the Marina del Rey Design Control Board (DCB) and incorporate view corridors that do not presently exist on the project site. The DCB also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. Design requirements are contained in the Specifications and Minimum Standards of Architectural Treatment and Construction. Consistent with certified LCP requirements, the project site plan and architectural plans have been reviewed and conceptually approved by the DCB. In rendering its conceptual approach for the project, the DCB found the proposed project to be in conformity with the various public access, height, circulation, building massing, visual impacts, and view requirements of the Marina del Rey LCP. Further, consistent with certified LCP requirements, the project will undergo final DCB review concerning the architectural design, landscaping and signs, prior to issuance of building permits. For these reasons, the Draft EIR appropriately determined visual impacts associated with the project would be less than significant.

From: DRP LDCC <D4@planning.lacounty.gov>
Sent: Tuesday, March 31, 2015 4:32 PM
To: Samuel Dea
Subject: FW: Project No. R2013-01647-(4) / Environmental Assessment 201300142 / Marina del Rey Lease Parcel 44

From: Samantha Carlson [<mailto:wsasmb@hotmail.com>]
Sent: Tuesday, March 31, 2015 12:31 PM
To: DRP LDCC
Cc: Kathy St. Amant; SCCYC Commodore
Subject: Project No. R2013-01647-(4) / Environmental Assessment 201300142 / Marina del Rey Lease Parcel 44

Zoning@planning.lacounty.gov

Project No. R2013-01647-(4) / Environmental Assessment 201300142 / Marina del Rey Lease Parcel 44

Gentlemen:

First of all I am disappointed that the planners have ignored the Charter, which clearly states that the Marina was to be for public use, and instead have favored commercial use. That having been said, I have the following concerns regarding the current plans:

- 1) The pumpout area (near VIII) is located in a small private dock area. It would be more appropriately located in the more accessible public docks near Burton Chase Park on the main channel.
 - a. The pumpout area is upwind from retail restaurants, shopping and the South Coast Corinthian Yacht Club (SCCYC).
 - b. As a user of pumpouts, I have firsthand knowledge that not all pumpouts are successful and can cause noxious odors to float downwind. In this instance, the odors would waft towards the restaurants and SCCYC.
 - c. Pumpouts should be centralized for easy access by the greatest number of boaters. The current Marina del Rey pumpout is near the gas dock as is the one located in King Harbor.
 - d. The transient dock, where the pumpout station is currently located, is on the private side of the dock and appears to be, technically if not physically, inaccessible to the public. This placement would give SCCYC their own pumpout station - which we do not want and no other club has.
- 2) The side ties (boats tied parallel to the docks rather than nose in) are inherently bad for sailboats and powerboats (depending on size) due to the prevailing winds. The winds will either slam the boat into dock or push them away from the dock (allowing boaters to fall into the marina- a liability concern).
- 3) The public dock area indicated (near VIII) is very small and located away from the commercial facilities, like restaurants, that customers want to visit. A more appropriate placement would be near Trader Joe's which would allow shuttle access to these commercial establishments.

- 4) The hoist is incorrectly located and indicates a very small turning basin. The hoist would better serve the community by placing it closer to SCCYC and using the area marked for Lido's as a turning basin. The Lido's should be stored, as they currently are, on their trailers.
 - a. The hoist location could be more appropriately placed in a position where the hoist boom could reach both the public and the private side, thus allowing for some small boat storage and maintaining a larger turning basin for club boats.
 - b. There needs to be additional marked "parking" for the Lido trailers in the parking area.
- 5) In this plan, the Marina shuttle docking is not obvious but the location would certainly be appropriate near Trader Joe's and the restaurants.
- 6) As SCCYC, by moving to the other side of the Basin, has given up a lovely view for the benefit of commerce, I would like an assurance that SCCYC would have a two-story facility and a soundproof wall between the club and the proposed attached commercial boat repair facility.

3-3

Sincerely yours, Samantha Carlson

Letter Number 3: Samantha Carlson

wsasmb@hotmail.com

Response 3-1

The commenter expresses an opinion that the project is not consistent with the Charter originally establishing Marina del Rey as a recreational small craft boating marina. The proposed project is zoned as Marina del Rey Specific Plan under the Los Angeles County Zoning Ordinance. As stated in the Initial Study provided in Appendix 1.0 of the Draft EIR (and circulated for public review prior to release of the Draft EIR), the project site is designated as "Marine Commercial," "Visitor-Serving/Convenience Commercial," "Boat Storage, with Waterfront Overlay," and "Water" in the controlling Marina del Rey Specific Plan and Marina del Rey Land Use Plan. The proposed redevelopment of the existing commercial structures and storage areas with new visitor-serving retail and boater-serving services is consistent with the applicable California Coastal Commission-certified Marina del Rey Local Coastal Program's land use designations and development standards for project site. Per the controlling Marina del Rey Local Coastal Program (of which the Specific Plan and Land Use Plan are a part), the subject property is zoned for the development of the project's proposed visitor-serving/convenience commercial, marine commercial and boat storage uses.

Response 3-2

The commenter provides comments related to the design of the project. The commenter is referred to page 15 of the Initial Study which specifically addresses potential odor impacts. The EIR did not find odor associated with the proposed use would result in impacts. A properly operated and maintained modern sewage pumpout system does not produce odors beyond a few feet of operation, if that. The pumpout will be managed by the Boat Maintenance operations and this issue will be stringently controlled and maintained. The remainder of the comment does not raise an issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 3-3

The remainder of the comment relates to the design of the project and does not raise an issue within the meaning of CEQA. Although the comments do not directly relate to the environmental effects of the project, responses to specific design related concerns are provided. The applicant is considering moving the Transient side tie/Sewage pump out/Water Taxi position to the end of the long dock, rather than the currently shown position, to provide easier access for all boaters and visitors.

Regarding the orientation of the 4200 dock being in a downwind/crosswind condition making it harder to control ingress and egress from this common dock, particularly for sail boats, the applicant acknowledges that this orientation may be a little more challenging for some sailors. However, it should be noted that there are examples of similar dock orientations in marinas and public docks in Marina del Rey such as Burton Chase Park and Fisherman's Village, and other local examples such as Davies Landing in Alamitos Bay. Also note that this dock will be partially protected from environmental elements since it is deeply located within Basin G with boats and structures limiting direct impacts from the elements.

Regarding the Water Taxi/Public Transient Dock location, it was the applicant's intent to consolidate all public dock operations in a single location served by an ADA access system. As such, the 4200 Dock was chosen. It is a short walk from this dock to any of the other facilities on the project site. Also note that two public dinghy dock locations have been provided on Dock 3600 for the boating public's access to the facilities being planned for this site. The 3600 Dock is the closest location to the planned commercial buildings, although it is a short walk from any dock within this marina to the planned facilities.

Regarding the hoist location, the hoist has been strategically located to serve three operations: a small dry stack, a boat maintenance facility, and the Yacht Club. It has been determined after discussions with the dry stack/boat maintenance operator, as well as Yacht Club management, that this hoist will be lightly used, with sporadic heavier use during special events that may be planned by the yacht club. For these special events, coordination between the hoist operator and the club is expected, with first priority given to a special event planned by the club. There is more than enough space for this hoist to be operated easily and safely in the wide fairway for which it was placed.

From: DRP LDCC <D4@planning.lacounty.gov>
Sent: Tuesday, March 31, 2015 4:32 PM
To: Samuel Dea
Subject: FW: Project No. R2013-01647-(4) / Environmental Assessment 201300142 / Marina del Rey Lease Parcel 44

From: Samantha Carlson [<mailto:wsasmb@hotmail.com>]
Sent: Tuesday, March 31, 2015 12:37 PM
To: DRP LDCC
Cc: Kathy St. Amant; SCCYC Commodore
Subject: Project No. R2013-01647-(4) / Environmental Assessment 201300142 / Marina del Rey Lease Parcel 44

Zoning@planning.lacounty.gov

Project No. R2013-01647-(4) / Environmental Assessment 201300142 / Marina del Rey Lease Parcel 44

Gentlemen:

Comments on Marina del Rey (MdR) Proposed Pier 44 Design. Underlining is for emphasis.

Single observations:

- 1) Pumpout area is in small, private dock area, far from the central channel, one finger away from the public launch area, and away from public docks at Chase Park on the main channel.
- 2) Pumpout area is upwind of retail/restaurants/club areas, and in designated private area.
- 3) Public area is small, away from the commercial facilities one might visit.
- 4) Public and private docks are crosswind, side ties which take more skill and manpower to use.
- 5) Hoist has little for turning/maneuver basin, no upwind/downwind options, and little departure/arrival dock area.
- 6) Access to hoist/club areas not clearly illustrated.
- 7) Marina shuttle docking area is not obvious for this planned major commercial area.
- 8) Abutted areas of Pier 44 not clear seem to be crowding the area depicted.
- 9) Are the five (5) slips shown in the public area intended to serve the entire layout?

4-1

Several situations follow for analysis:

- 1) *Arrive at the Club, by car, to sail a Lido 14:* Park near Club, meet sailors in the Club, go to one of ten boats depicted, rig crosswind, launch crosswind off flexi-floats, and paddle/sail to channel. Return in reverse order.
- 2) *Arrive at Club, by car to sail a boat from mast-up storage:* Park near Club, meet sailors in the Club, go to boat, rig upwind/downwind if desired. Move boat on trailer to hoist. Hoist and launch boat, move boat to public dock (windward side tie), load equipment and crew/passengers, motor/paddle/sail to channel. Return in reverse.
- 3) *Arrive at Club by car to sail with friend arriving by boat:* Park near Club, go to Club to wait/meet host, host arrives on private dock (downwind side tie), host meets crew/passengers in Club, returns to boat, motor/paddle/sail to channel. Return in reverse.
- 4) *Arrive at Club by car to sail a boat in a nearby slip:* Park near club, meet sailors in the Club (if applicable), go to boat, prepare boat, motor/sail out to channel. Return in reverse.

Sincerely, Robert E. Kellock

Letter Number 4: **Robert E. Kellock**

wsasmb@hotmail.com

Response 4-1

The commenter expresses an opinion regarding the design of the proposed project. Also see **Response 3-3**. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. No further response is necessary.

From: Anita Gutierrez
Sent: Tuesday, March 24, 2015 1:04 PM
To: Aaron Clark
Subject: FW: fyi-fwd- noa parcel 44 eir -fwd msg to debbie schooler ISI -

What he is saying is that these pictures are evidence that the area where the Parcel 44 project is proposed was dry land before Marina was built, and therefore could potentially be a historic site. He thinks the EIR should address that.

I have recently changed phone numbers. You can now reach me at (213) 974-6422

Anita D. Gutierrez, MPL, AICP | Acting Supervising Regional Planner
Community Studies West Section
Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor | Los Angeles, CA 90012
Phone: 213.974.6422

From: Johntommy Rosas [mailto:tattnlaw@gmail.com]
Sent: Wednesday, March 11, 2015 12:44 AM
To: Anita Gutierrez; Michael Tripp
Subject: Re: fyi-fwd- noa parcel 44 eir -fwd msg to debbie schooler ISI -



5-1

On Tue, Feb 17, 2015 at 5:12 PM, Johntommy Rosas <tattnlaw@gmail.com> wrote:

this part is defective and illegal - it doesn't appear you folks contacted NAHC either - those errors are discriminatory against us

///8.0.2 CULTURAL RESOURCES

The project site is located in an area of Marina del Rey that is currently developed and has been

developed for the past 50 years. The project site is not considered a historical site nor does it contain

historical structures, known archaeological resources, or known paleontological resources. Further, the

project site is not known to contain any human remains and the proposed project entails minimal

excavation and minor surface grading. Therefore, no impact is identified for this issue.

Impact Sciences, Inc. 8.0-1 Parcel 44 Marina del Rey Draft EIR
0889.005 February 2015

On Tue, Feb 17, 2015 at 8:48 AM, Anita Gutierrez <agutierrez@planning.lacounty.gov> wrote:

Please see link below:

<http://planning.lacounty.gov/case/view/r2013-01647/>

Anita D. Gutierrez, MPL, AICP | Principal Planner, Special Projects Section

Los Angeles County Department of Regional Planning

320 W. Temple Street, 13th Floor | Los Angeles, CA 90012

Phone: [213.974.4813](tel:213.974.4813)

--
JOHN TOMMY ROSAS

TRIBAL ADMINISTRATOR

TRIBAL LITIGATOR

TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION

A TRIBAL SOVEREIGN NATION UNDER UNDRIP

AND AS A CALIFORNIA NATIVE AMERICAN TRIBE / SB18-AJ52-AJR 42

25 U.S. Code § 1679 - Public Law 85-671

August 18, 1958 | [H. R. 2824] 72 Stat. 619

Tribal sovereignty in the United States is the inherent authority of indigenous tribes to govern themselves within and outside the borders and waters of the United States of America .

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tongvanation.org

Letter Number 5: John Tommy Rosas

John Tommy Rosas
tattnlaw@gmail.com

Response 5-1

The comment relates to the potential for cultural resources on the project site. As provided in the Initial Study, the project site is not known to contain any buried resources (archeological, paleontological, or human remains). The project does not include any features, such as subterranean parking, that would require substantial grading or excavation. Further, the site is currently developed and paved. As such, it is likely that any resources that previously existed on the site were removed during past construction activities. Discovery of human remains is regulated by the state. Compliance with these regulations (provided below) would ensure impacts remain less than significant.

California Health and Safety Code Section 7050.5 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the County in which the human remains are discovered has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

California Public Resources Code (Section 5097.98) Section 5097.98 of the California Public Resources Code stipulates that whenever the commission receives notification of a discovery of Native American human remains from a County coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

HEARING EXAMINER HEARING

PROJECT NO. R2013-01647-(4))
ENVIRONMENTAL ASSESSMENT NO. 201300142)
APPLICANT: PACIFIC MARINA VENTURE, LLC)
LEASE PARCEL 44, MARINA DEL REY)
PLAYA DEL REY ZONED DISTRICT)
_____)

HEARING EXAMINER HEARING

Marina del Rey, California

Wednesday, March 4, 2015

Reported by:
Heidi Hummel-Grant
CSR No. 12556

**HAHN & BOWERSOCK 800-660-3187 FAX 714-662-1398
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HEARING EXAMINER HEARING

PROJECT NO. R2013-01647-(4))
ENVIRONMENTAL ASSESSMENT NO. 201300142)
APPLICANT: PACIFIC MARINA VENTURE, LLC)
LEASE PARCEL 44, MARINA DEL REY)
PLAYA DEL REY ZONED DISTRICT)
_____)

HEARING EXAMINER HEARING, taken at 13534
Bali Way, Marina Room, Marina del Rey, California,
beginning at 6:09 p.m. and ending at 6:59 p.m.,
on Wednesday, March 4, 2015, before
Heidi Hummel-Grant, Certified Shorthand Reporter
No. 12556.

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APPEARANCES:

PAUL MCCARTHY, HEARING EXAMINER

COUNTY OF LOS ANGELES, DEPARTMENT OF REGIONAL PLANNING:

BY: ANITA D. GUTIERREZ, AICP

SAMUEL DEA

320 West Temple Street

Los Angeles, California 90012

213.974.4813

aqutierrez@planning.lacounty.gov

1 Marina del Rey, California
2 Wednesday, March 4, 2015, 6:09 p.m. - 6:59 p.m.
3 ***
4
18:09 5 MR. MCCARTHY: Very well. Thank you for
6 coming tonight.
7 This is the Los Angeles County
8 Department of Regional Planning Hearing Examiner
9 Hearing regarding the Project Number R2013, dash,
18:09 10 014647. Testimony tonight is -- basically will be
11 on the environmental impact report, environmental
12 assessment that's been prepared for this project.
13 The applicant is Pacific Marina Venture, LLC. The
14 property is located at Lease Parcel 44 here in
18:09 15 Marina del Rey.
16 So in order to give -- we're going to
17 start with a couple of items here. We're going to
18 have a staff presentation and then a presentation
19 by the applicant.
18:10 20 Now, if you wish testify, you have to
21 fill out the card here. And you can go to one of
22 the staff members in the back and get it and fill
23 that out while we're giving the staff presentation
24 or the applicant is giving his presentation. So
18:10 25 far we have two people who've said they wanted to

18:10 1 testify. We will swear in the witnesses before we
2 begin testimony.

3 If you're even thinking of testifying,
4 you are on the fence, you don't know, when we ask
18:10 5 you -- people to stand and be sworn in, do so.
6 You don't have to testify. We'll let you go home
7 even if you don't.

8 So we'll begin with Anita Gutierrez, and
9 she'll give the staff report.

18:10 10 MS. GUTIERREZ: Thank you, Mr. Hearing
11 Examiner.

12 Anita Gutierrez, the Department of
13 Regional Planning.

14 The matter before you today is the
18:11 15 Parcel 44 project, located on Parcel 44 in
16 Marina del Rey. It is bounded by Admiralty Way,
17 Bali Way and Mindanao Way in a U-shaped parcel in
18 Basin G of the marina.

19 The required approvals for the project
18:11 20 are a coastal development permit to authorize the
21 demolition of the existing facilities on site as
22 well as to develop and construct the new proposed
23 structures and facilities proposed.

24 Parking permit is proposed to authorize
18:11 25 commercial tandem parking spaces as well as a

18:11 1 reduction in co-required parking for the project
2 and to allow valet service for commercial tandem
3 spaces.
4 A conditional use permit to ensure
18:11 5 consistency with the waterfront overlay "examines"
6 of the development as well as a variance to
7 authorize a reduction in the required side yard
8 for installation of the proposed open boat storage
9 racks on Bali Way.

18:12 10 Some of the major project components are
11 the construction of eight new buildings:
12 Building 1 is a boater restroom -- and
13 there are site plans in the back that show a
14 blowup of this site plan.

18:12 15 Building 2 would be a specialty
16 market -- currently proposed is Trader Joe's -- to
17 occupy that along Mindanao.

18 Building 3 is another boater restroom.
19 Building 4 would be one of the anchor
18:12 20 buildings considered with West Marine Commercial
21 Marine Offices and Boat Repair.
22 Buildings 5 and 6 would be both retail
23 and restaurants.
24 Building 7 would be boater restrooms.
18:12 25 And Building 8 along Bali would be yacht

18:12 1 club and a boat repair shop.

2 Other major project components would be
3 open-air boat storage or stacking system along
4 Bali Way, which would accommodate up to 44 boats
18:13 5 stacked four boats high. Additionally, spaces for
6 13 mast-up small sailboat storage spaces and
7 development of a waterfront pedestrian promenade
8 along the bulkhead, which includes the realignment
9 of the Marvin Braud Bike Path adjacent to the
18:13 10 waterfront and adjacent to Admiralty Way.

11 The picture of the site plan as
12 proposed -- again, there is a larger version of
13 the site plan in the back of the room if anyone is
14 interested in taking a closer look -- here are
18:13 15 some renderings of the proposed project. These
16 are the boater restrooms. The proposed West --
17 Trader Joe's building or specialty grocery store.
18 And then a rendering of the promenade, slash, bike
19 path with the waterfront to the left of the
18:13 20 picture and the development to the right.

21 Some proposed elevations, approximately
22 the building would be maximum of 45 feet high.
23 Some west elevations and east elevation of the
24 proposed West Marine buildings.

18:14 25 Some of the main issues addressed in the

18:14 1 draft environmental impact report, which is out
2 for public comment, the esthetic, air quality,
3 biological resources, geology and soil, greenhouse
4 gases, hydrology and water quality, noise and
18:14 5 vibration, traffic and access, police protection
6 and fire protection, waste water, water and solid
7 waste. Of these issues, traffic remains the only
8 issue that would remain significant and
9 unavoidable, even with mitigation. That would be
18:14 10 for project-specific as well as cumulative impact.
11 All other issues would be reduced to a level of
12 significance with mitigation.

13 The next step for this public project is
14 the DEIR is currently open for public comment.
18:15 15 The public comment period ends March 31st, end of
16 this month. You can submit those comments by
17 email or in writing to me, the Department of
18 Regional Planning, or also submit them here today
19 at the Hearing Examiner. After we receive the
18:15 20 public comments and the draft EIR public comment
21 period has closed, we will draft responses to
22 those comments that we will receive and prepare
23 the final EIR along with the mitigation monitoring
24 and reporting program. After that is complete, we
18:15 25 will set a Regional Planning Commission Hearing

18:15 1 date and -- for the RPC to consider both the
2 environmental documents as well as the project
3 entitlement previously described. Two weeks
4 before the public hearing would be release of the
18:15 5 staff report and/or draft conditions and findings
6 of the Planning Commission.

7 And that concludes my report.

8 AUDIENCE MEMBER: Mr. McCarthy --

9 MR. MCCARTHY: Very well. Thank you.

18:16 10 Hold on.

11 And we're going to now have a
12 representative from the applicant come forth with
13 a presentation.

14 Please identify yourself for the record
18:16 15 and spell your name phonetically.

16 MR. CLARK: Sure.

17 (A discussion is held off the record.)

18 MR. CLARK: My name's Aaron Clark. I work
19 for the lessee, Pacific Ocean Management --

18:17 20 MR. MCCARTHY: And you want to spell your
21 last name phonetically for the court reporter?

22 MR. CLARK: C-L-A-R-K.

23 -- with the firm of Armbruster,
24 Goldsmith & Delvac. Beside me is Jack Hollander,
18:17 25 who is the architect.

18:17 1 And so we'd like to walk you through a
2 little more. I mean, Anita already did a really
3 good job of it, but I think my -- my point here is
4 that this project has been built around visitor
18:17 5 service and boating use. A key part -- I'm not
6 sure that Anita touched on it, but there's -- she
7 did touch on the West Marine building, which is a
8 key visitor serving marine commercial use. We
9 have other visitor serving uses: Restaurants, the
18:17 10 Trader Joe's.

11 We have replaced the yacht club facility
12 for the Corinthian Yacht Club, which is the oldest
13 yacht club in the marina. We're offering them a
14 new facility in the project. We'll also have a
18:18 15 community room in the West Marine. So up on
16 the -- I'll let Jack -- the second floor will have
17 a community room for boater instruction or just
18 general community needs. There is a dearth of
19 places for the community to come and gather for
18:18 20 any type of meetings, we've heard, where you don't
21 have to rent out a big space like this, that's
22 very expensive.

23 Furthermore, there's going to be that
24 realignment of the bike path, which is actually
18:18 25 very significant, because now it meanders through

18:18 1 the parking lot, as you all know, and now it's
2 going -- in the new program -- the site plan's not
3 up -- it's effectively -- yeah, point out where it
4 is -- it will go straight across the frontage of
18:19 5 the --

6 MR. HOLLANDER: It goes (indicating) --

7 MR. CLARK: Yeah, it's going to fix a major
8 problem for cyclists, which is they have to
9 meander through a parking lot to get along their
18:19 10 way.

11 Other benefits, you know, there are view
12 quarter issues, people that say there's impacts to
13 the views. This project -- above and beyond what
14 the local Coastal Program requires provides --
18:19 15 view quarters for the buildings are provided.

16 Traffic's an issue. I'm not going to
17 argue around that issue. Obviously you're
18 impacted by traffic. This project will pay about
19 1.34 -- excuse me, \$2.34 million in traffic
18:19 20 improvement fees which will be used to enhance
21 traffic movement in the marina. I'm sure others
22 will have questions about that or the validity of
23 that. That's going to be paid to the Department
24 of Public Works, who would then implement those.

18:20 25 Jack, would you like to add more?

18:20 1 MR. HOLLANDER: Yeah.

2 MR. MCCARTHY: And spell your name for the

3 record, sir.

4 MR. HOLLANDER: Jack Hollander, J-A-C-K,

18:20 5 H-O-L-L-A-N-D-E-R.

6 MR. MCCARTHY: Thank you.

7 MR. HOLLANDER: Let me just say a few

8 comments.

9 Before the meeting started, some of the

18:20 10 people brought up some questions. One of them was

11 view corridors. We have two and a half times the

12 view corridor required. Not only that, in the

13 design -- in the design process we created

14 amphitheater seating in two major locations. I

18:20 15 don't know if -- can we get the plan?

16 MS. SANTRY: Show them this one (indicating).

17 MR. HOLLANDER: This area here --

18 MR. MCCARTHY: Speak into the mic, sir.

19 MR. HOLLANDER: I can't point and speak at

18:20 20 the same time.

21 AUDIENCE MEMBER: Do we have a better map?

22 That's very, very difficult to see it.

23 MR. HOLLANDER: I have a plan over there.

24 MS. SANTRY: In this area --

18:21 25 MR. MCCARTHY: Ma'am, you cannot testify

18:21 1 until you're introduced.

2 MR. HOLLANDER: Okay.

3 There are some seating here. It's like
4 an amphitheater; it goes down to the basin
18:21 5 where -- in this area you have the bike path. The
6 bike path -- that's much better -- the bike path
7 as Aaron stated meanders through the buildings,
8 through the area where they fix boats and then
9 comes back over there. Now it's going to be a
18:21 10 straight shot all the way from one street to
11 another. And the bike path is very wide; it's --
12 the lanes are five feet each plus one foot on
13 either side and so forth.

14 As far as -- shall we discuss esthetics
18:21 15 here?

16 MR. CLARK: Not yet.

17 I think the other point is that, you
18 know, there's some boater serving uses here, which
19 are the maintenance for Seamark. There's going to
18:22 20 be a new boater serving -- effectively a
21 dry-stack -- open dry-stack storage here. And a
22 boat repair shop here. The yacht club's going to
23 go here. You're going to have new loading for
24 "Sabitts" and other small boats here. You're
18:22 25 going to have a new launch ramp here. Effectively

18:22 1 that's a separate permit. So it's not under
2 consideration with the land side; it will be
3 coordinated with the land side development. But,
4 you know, there's what we wanted to call a
18:22 5 boater's paradise -- some people may laugh about
6 that, but I think it's actually a really good
7 boater serving use. You have West Marine; you
8 have visitor serving use on -- at Trader Joe's;
9 you have new yacht club and boater repair
18:22 10 facilities; a restaurant here; public gathering
11 spaces here; more restaurant here; direct
12 connections from the water to the facilities.

13 And so with that -- I mean, again, it
14 would be about traffic tonight, I'm sure. Again,
18:23 15 there is going to be unavoidable traffic impacts
16 that we can't mitigate, we have to override,
17 that's expressed in the EIR. Again, there's a
18 \$2.4 million fee we're paying.

19 Beyond that, I think we'll rest with
18:23 20 that.

21 So if there are other questions, we
22 can --

23 MR. MCCARTHY: Very well.

24 MR. CLARK: -- answer them.

18:23 25 MR. MCCARTHY: We had a question from the

18:23 1 audience a moment ago.
2 Please stand and give us your name.
3 MR. HYMAN: My name is Steve Hyman,
4 H-Y-M-A-N.
18:23 5 I have just two questions.
6 MR. MCCARTHY: If you want to testify --
7 MR. HYMAN: No, I have two questions. That's
8 all.
9 MR. MCCARTHY: Very well.
18:23 10 MR. HYMAN: One question was --
11 MR. MCCARTHY: Then you're going to have to
12 come up and use the mic.
13 MR. HYMAN: My voice is pretty loud, but if
14 you want, I'll use the mic.
18:23 15 MR. CLARK: If you could, that would be
16 helpful, because we have to respond to all your
17 questions.
18 MR. HYMAN: My question was actually for the
19 staff but --
18:24 20 MR. MCCARTHY: Talk into the mic. Thank you.
21 MR. HYMAN: One question is: Are the plan
22 uses -- for example, Trader Joe's, if this is
23 approved, is that a guaranteed use, or could
24 Trader Joe's -- could some other use be made of
18:24 25 that building that is currently designated

6-1

18:24 1 Trader Joe's? That was one question.

2 And the other question is: From the --
3 from the point that -- assuming the project is
4 approved, from the point that construction or
18:24 5 demolition starts, for what period of time will
6 the bike path be out of service until the new one
7 is constructed?

8 MR. MCCARTHY: Okay. Thank you. Take you
9 seat. He'll -- I'm going to give both staff and
18:24 10 the applicant an opportunity.

11 Who wants to answer first?

12 MS. GUTIERREZ: Regarding the plan uses, the
13 project would be entitled with a specialty grocery
14 store. So it is -- theoretically another
18:25 15 specialty grocery store could come in if it wasn't
16 Trader Joe's.

17 And for duration of construction time
18 for the bike path, I'll let the applicant respond.

19 MR. HOLLANDER: As far as Trader Joe's is
18:25 20 concerned --

21 MR. MCCARTHY: Sir, you want to identify
22 yourself again on the record?

23 MR. HOLLANDER: Jack Hollander.

24 As far as Trader Joe's is concerned,
18:25 25 right now we are doing drawings for the interior

18:25 1 of Trader Joe's. So you can be assured it's going
2 to be a Trader Joe's. The drawings already show
3 the layout inside.

4 The other question was regarding the
18:25 5 bike path. We are trying to find a way to get the
6 bike path -- even under construction -- so it's
7 still safe and it can continue in operation so you
8 don't stop the bike path while you're doing
9 construction.

18:26 10 MR. HYMAN: Thank you.

11 MR. MCCARTHY: Very well.

12 Now we're going to go to the testimony.
13 And those persons who want to testify will stand
14 and be sworn.

18:26 15 And please raise your right hand --

16 AUDIENCE MEMBER: Can we still turn in --

17 MR. MCCARTHY: Mr. Pomerantz -- yeah, turn
18 them in -- Mr. Holder, whoever else is going to
19 testify, please stand and raise your right hand.

18:26 20 Do you and each of you swear or affirm
21 under penalty of perjury that the testimony you
22 may give in this matter now pending before the
23 Hearing Examiner shall be the truth, the whole
24 truth and nothing but the truth, so help you?

18:26 25 AUDIENCE MEMBERS: (Indicating.)

18:26 1 MR. MCCARTHY: Please be seated.
2 And we'll have Mr. Pomerantz come
3 forward first.
4 MR. POMERANTZ: Do I need a microphone?
18:26 5 MR. MCCARTHY: You have to sit here.
6 MR. POMERANTZ: I have to sit here?
7 MR. MCCARTHY: Yes.
8 MR. POMERANTZ: Sit here?
9 MR. MCCARTHY: Give him the seat, if he wants
18:26 10 to.
11 MR. POMERANTZ: I just wanted to say that
12 it -- my two concerns are: Number 1, that the --
13 Admiralty Way maintains it's special look where
14 it's not like Ventura Boulevard in the Valley or
18:27 15 Hawthorne Boulevard, which are nice, but they're
16 not special like Admiralty Way is. The reason
17 it's special is because you can see the masts of
18 the boats and, you know, the water, and it's by
19 the marina and has a special look. And I hope
18:27 20 that's not compromised by this. That's one thing.
21 Number 2, I'm concerned about the
22 traffic. It's terrible right now. When you come
23 down Admiralty Way and make a left turn onto
24 Mindanao, it can be not very good. It -- and I
18:27 25 hope this doesn't make this worse. That's all.

6-3

18:28 1 MR. MCCARTHY: Thank you.

2 THE REPORTER: I'm sorry, can I get a

3 spelling for Mr. Pomerantz?

4 MR. MCCARTHY: Spell your last name.

18:28 5 MR. POMERANTZ: My last name is P as in Paul,

6 O-M-E-R-A-N-T-Z.

7 THE REPORTER: Thank you.

8 MR. MCCARTHY: And actually where

9 Mr. Pomerantz was sitting is a good place for the

18:28 10 speakers to sit if you're going to testify because

11 you're facing the court reporter. And that makes

12 it a little bit easier for her to take down your

13 testimony.

14 Remember, that's why we're so fussy

18:28 15 about spelling your name and stop talking until

16 you identify yourself. Because if you're trying

17 to read a transcript, you have to know who it is

18 that's speaking when you're reading that

19 transcript. And obviously you cannot hear the

18:28 20 voice so it has to be there in the written record.

21 And next we have Mr. Hollander? Or

22 Jack Hollander?

23 MR. HOLLANDER: I spoke before.

24 MR. MCCARTHY: Oh, I'm sorry. You're with

18:28 25 the applicant. Very well.

18:29 1 Then we have John Nahhas.
2 Please come forward and have a seat
3 where the previous speaker was.
4 MR. NAHHAS: I prefer to stand if it's all
18:29 5 the same.
6 MR. MCCARTHY: Then stand over there and face
7 the court reporter if you will.
8 MR. NAHHAS: Do we still have the microphone?
9 MS. GUTIERREZ: It's right there.
18:29 10 MR. NAHHAS: The hand mic.
11 MS. GUTIERREZ: (Indicating.)
12 MR. NAHHAS: My name is John Nahhas. Last
13 name is N as in Neil, A-H-H-A-S, S as in Sam.
14 I have considerable questions about this
18:29 15 project. First I have SEQA questions. The fact
16 that we are standing -- we do not have video
17 present so I've taken pictures -- we're standing
18 in a 25-by-25-foot room; we have probably ten
19 people here and there's about 30 to 40 chairs --
18:29 20 it's a very, very small room -- and this is a
21 very, very large project in Marina del Rey. This
22 will be the entrance to our public lands in
23 Marina del Rey. And so we feel that the -- the
24 noticing requirement is not on the Department of
18:30 25 Beaches and Harbors website, and they are managing

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18:30 1 the marina, and so we, again, have strong
2 reservations that SEQA is being overridden here,
3 that this project is being hidden from the general
4 public, and this is going to create, undoubtedly,
18:30 5 huge ramifications as far as access to public
6 land. So we're challenging SEQA right from the
7 getgo.

8 First -- and then secondly, Pier 44 is
9 the entrance to Marina del Rey as outlined in our
18:30 10 visioning process. It has a particular
11 importance, because when you come off the
12 90 Freeway, it's the only way the residents and
13 people can access these public lands. And there
14 are some very particular problems here because of
18:30 15 Mindanao and the way it situates itself with
16 Lincoln Boulevard. So we're very concerned that
17 even though they're paying \$2.4 million in
18 mitigation fees, there will not be anything that
19 the developer nor the County can do in order to
18:31 20 mitigate the tremendous amount of impacts that
21 will occur here. And so it will create a hardship
22 to access public lands; it will create a loss of
23 quality of life for many of the residents that
24 live here, live nearby here, and, of course,
18:31 25 boaters do not have access to their boating

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18:31 1 equipment. So the whole euphemism that this is
2 going to be a boater haven is actually a farce.
3 This will actually create many more problems for
4 us to access our boats.

6-6

18:31 5 Thirdly, a box store on the water is
6 against the Coastal Act, Section 30210,
7 Section 30211, 30212. And so we're asking in this
8 hearing at what parts of California have we ever
9 allowed box stores to occur on the water? Because

18:31 10 it doesn't happen. And we asked the California
11 Coastal Commission; they can't cite any reference.
12 So we feel that this, again, has SEQA problems,
13 and it has Coastal Act problems, in that
14 regardless of what you're calling this,

6-7

18:32 15 Trader Joe's or a specialty store, there's going
16 to be a lot of boxes coming in here. It does not
17 have necessarily to do with public access so we
18 have a problem with this specialty store and also
19 the West Marine. Trader Joe's at this location

18:32 20 would, of course, create hardships, traffic at the
21 entrance of the marina. Trader Joe's is a very,
22 very popular store. We already have traffic
23 problems as they are in the marina. Putting it on
24 Mindanao kitty-corner from Ralphs is absolutely

6-8

18:32 25 irresponsible. A Trader Joe's on Mole Road would

6-9

18:32 1 also create hardships for accessing the park. We
2 have a public park at the end of Mindanao called
3 Burton Chace. And so because Trader Joe's is so
4 popular, that's going to create hardships for
18:32 5 people trying to access a public park. Again, a
6 violation of what we believe SEQA and the Coastal
7 Act.

6-9

8 Walling off of coastal resources.
9 Meaning that as you look at all of these things
18:33 10 when you come in the marina, you do you not see
11 water any longer; you see buildings. So when
12 people are coming to the public lands for
13 recreational purposes on the water, they see
14 walls. They do no want to -- they don't know
18:33 15 water's there; they don't see recreational
16 opportunities; they see buildings. And so when we
17 saw walling off recreational resources, we
18 believe, again, that's a violation of the Coastal
19 Act.

6-10

18:33 20 And then experts agree over and over
21 again that Marina del Rey has serious traffic
22 problems. We even have the Citizen Oversight
23 Commission, one of them -- several of them, the
24 Small Craft Harbor Commission and the Design
18:33 25 Control Board, which have said that traffic

6-11

18:33 1 mitigation is no longer an option here, that we
2 need to start doing something about the traffic.
3 So we know that even though Mr. Clark is saying
4 that the developer's going to pay \$2.4 million in
18:34 5 fees, it won't make a difference. It will -- you
6 can't build any more extra turn lanes; you can't
7 do anything other than blowing the whole thing up
8 and starting over. And, of course, that can't
9 happen. So the \$2.4 million that DPW is going to
18:34 10 be pocketing for whatever, there's not going to be
11 anything -- there's nothing you can do in
12 mitigation anymore. So we really need more
13 authentic traffic studies.

14 Again, bother boards have said that the
18:34 15 traffic studies here have been botched, the
16 County's spent long litigation process against the
17 City of Los Angeles with the Venice Dual Force
18 Main project stating that the City of Los Angeles
19 violates the Vehicle Code because it has poor
18:34 20 traffic impacts in its EIR. And we're asserting
21 the same thing reflectively on the County. The
22 County has not taken into consideration a valid
23 authentic traffic study looking at Marina del Rey
24 and all the surrounding development in
18:35 25 Marina del Rey, including Playa Vista, Del Rey,

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18:35 1 and up into Venice. And so we're asserting that
2 this draft EIR has not taken into consider all the
3 valid traffic impacts and all the other
4 significant impacts with regards to projects in
18:35 5 and around what we now know as Silicon Beach. It
6 has now become a huge overdeveloped project
7 extending from Marina del Rey all the way up into
8 Santa Monica. And the sprawl is just going on and
9 on. And all of this has to be significantly -- it
18:35 10 has to be looked at and the significant impacts
11 taken into consideration. We believe that there
12 just isn't enough of those impacts looked at in
13 this draft EIR.

14 I think that's it. Thank you.

18:35 15 MR. MCCARTHY: Thank you.

16 And our next speaker will be
17 James Moore.

18 MR. MOORE: My name IS James Moore. I am on
19 the board of the Villa Marina council.

18:36 20 Actually, I have a question rather than
21 a pitch here -- and I didn't have a chance to ask
22 it. This two-point, whatever, million dollars
23 that the developer has to pay for traffic issues,
24 it sounds to me like because there's nothing we
18:36 25 can do, none of it will be spent on this; it will

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18:36 1 go somewhere else. I'm just wondering where it's
2 going to go.

3 I have people here that presumably have
4 some idea about that. Would you care to address
18:36 5 my question, sir?

6 MR. MCCARTHY: The purpose of the meeting is
7 to take down the testimony and the concerns of the
8 public. And each question will be answered in the
9 final EIR, there will be a formal written response
18:36 10 to each of the questions. In a situation like
11 this where we don't have too many folks, we don't
12 have a large audience -- we had one hearing at
13 Universal Studios, we had 600 people and over a
14 hundred wanted to testify, we have to be pretty
18:37 15 strict, we limit you to three minutes and we don't
16 respond. So at the tail end when we've kind of
17 wrapped up the formal presentation, we'll try to
18 handle some of these questions kind of informally.
19 But there will be a formal response to your
18:37 20 question in the final EIR.

21 MR. MOORE: One of the things, then,
22 concerned -- that I think many people here are --
23 we've seen a process like this go many times
24 through the marina. There is a period of time
18:37 25 when meetings like this are held where we're

18:37 1 gathering information, you know, and then the next
2 thing we hear is: Decisions have been made;
3 here's the final EIR; everything's cast in
4 concrete; we're only here to tell you what's going
18:37 5 to happen. And it doesn't seem like there's a
6 process in the middle of this where there's a give
7 and take. And I was hoping to start that process.

8 MR. MCCARTHY: Well, that's something we did
9 mention in the staff introduction report, and I'll
18:38 10 respond to that now.

11 We, again, will be preparing a written
12 response to each and every comment made here at
13 the meeting tonight. And that written response
14 will to be included in the final environmental
18:38 15 impact report. The hearing date before the
16 Planning Commission has not been set because we
17 don't know how long it would take to complete all
18 those responses. So when those responses are
19 completed and there's an available date on the
18:38 20 Planning Commission's agenda, we will set a
21 hearing and it will be readvertised. So there
22 will be an advertising conducted in terms of
23 the -- throughout the marina and signs posted
24 giving you that date. It will also be on the
18:38 25 Department of Regional Planning website, all of

18:38 1 the information pertaining to the date and the
2 location of the hearing.

3 The Planning Commission, of course,
4 meets in Downtown Los Angeles on Wednesday

18:38 5 mornings at 9:00 a.m. The proceeding and the --
6 before the Planning Commission does not prohibit
7 you from speaking if you spoke here. So if you
8 spoke here and you decide you have more to say,
9 you're more than welcome to appear before the

18:39 10 Planning Commission. So don't feel you're
11 prohibited from coming downtown when have that
12 public hearing; that's not true at all. Some
13 people believe that, but it's not true, you're
14 more than welcome to appear. You're more than

18:39 15 welcome to write additional -- send in additional
16 written testimony to Anita, and she will forward
17 it to the parties that are going to prepare the
18 written response and the final EIR.

19 Again, the deadline, as Anita stated at

18:39 20 the outset, is March 31st of 2015. And you
21 will -- that will be the deadline for submitting
22 written comments that will be formally responded
23 to in the final environmental impact report. So
24 you're welcome to comment tonight; you're welcome

18:39 25 to submit written comments; you're welcome to then

18:40 1 show up at that Planning Commission hearing when
2 the day is set.

3 And we have Jeanette Vosburg as the next
4 speaker.

18:40 5 Again, you want to spell your name for
6 the court reporter?

7 MS. VOSBURG: Jeanette J-E --

8 MR. MCCARTHY: Please take the mic.

9 MS. GUTIERREZ: Sit down --

18:40 10 MS. VOSBURG: Hi, I'm Jeanette Vosburg --
11 MS. GUTIERREZ: Is it on?

12 (A discussion is held off the record.)

13 MS. VOSBURG: My name is Jeanette Vosburg,
14 J-E-A-N-E-T-T-E, Vosburg, V as in Victor,
18:40 15 O-S-B-U-R-G.

16 And I never take this sort of thing very
17 lightly once I get involved. And I began to look
18 around and take some pictures and was particularly
19 frustrated with what the County did to the Oxford
18:41 20 Lagoon. That really got my attention. So today I
21 went out and I -- this is it not the first time --
22 but I've cruised the area to see just what's out
23 there. And I'm a pretty healthy walker so I
24 walked a lot of it. So I went over to Pier 44 and
18:41 25 just inquired about the boats and how that was

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18:41 1 going to work when the lot was torn down. And I
2 got some feedback on that.

3 I went over to the library, because a
4 lot people were waiting there to get in, and I
18:41 5 talked to some of those. And I think that the
6 average person -- and I also talked on Sunday with
7 a fellow that does guard service for the County.
8 And what he had said is -- I asked him if he knew
9 anything about Pier 44, and he said, well, they're
18:42 10 the last to know. They know when it happens. And
11 I think that the County is so accustomed to having
12 people not understand what's going on until the
13 big dog bites them that they are left to their own
14 devices to figure this out and later to deal with
18:42 15 it. I've talked to two different people that had
16 to get out of boating completely because all of a
17 sudden, without notice, the rent went way up on
18 their slips.

19 So from my perspective, the public --
18:42 20 originally there were two documents that caused
21 the marina to happen: Document 389 and
22 Document 780, and they were done in 1954. And the
23 money that was to go into the marina, and did,
24 came partially from the federal government, and
18:43 25 this was a federal project.

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18:43 1 The second thing that happened is that
2 the City of Los Angeles pretty much matched the
3 money that was given by the County. And if I
4 recall, it was under \$2 million from the federal
18:43 5 government and somewhere around 6 million apiece
6 for the state -- for the County and for the City.
7 I don't know how the City let loose of the
8 control, but they don't seem to have anything to
9 say at this point. I don't know whether they've
18:43 10 been bought off or what.

11 With the County, it's clear that the
12 people are not ruling. This marina was set up for
13 common, ordinary working class people. And
14 suddenly we have moved away from common working
18:43 15 class people. When I asked the boaters, people
16 that lease the boat slips, what I found out is
17 that they understand that the little boaters are
18 going to go away and the bigger boaters with big
19 bucks are going to come in.

18:44 20 And I went all around the marina looking
21 and taking pictures at the small boat slips and
22 then looking at the uncomfortable position of the
23 really big boats. Because obviously they don't
24 have a place. And what is going to happen here,
18:44 25 it seems to me, is that the County, in their

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18:44 1 wisdom and their desire to get money -- as
2 Burton Chace said originally: This would be, in
3 so many words, a cash cow for the County. What
4 they have done is slipped these things by. I went
18:44 5 over to the shores and looked at the size of that,
6 and then I looked across the street at what's
7 happening, what's being dug up and flattened and
8 all that. And I looked at it and I went, "Oh, my
9 God. The shore looks like a peanut in comparison
18:45 10 with what -- with what is happening behind the
11 gates."

12 Now, I'm pretty aggressive so I got out
13 there and before they realized what had happened,
14 I took pictures inside, because I want to see
18:45 15 what's going on. And I'm in real estate; we have
16 commercial properties. So I get it when I look at
17 something like that. I know what's going on.

18 And the public is really getting taken
19 for a ride here. And that really concludes my
18:45 20 remarks.

21 And I don't intend to forget you guys.
22 Thank you. And I was at the Planning meeting
23 downtown last Wednesday, and I'll to be there
24 every Wednesday. Thank you.

18:45 25 MR. MCCARTHY: Thank you.

18:45 1 And the next speaker is Ernest Cowell.
2 MR. COWELL: Good evening.
3 My name is Ernest Cowell, C as Charlie,
4 O-W-E-L-L. And I'm a residence of Marina del Rey,
18:46 5 at least for a while, until the County keeps
6 raising the rent, and then we go away, because
7 senior citizens are either on pensions, retirement
8 or a fixed income of some type.
9 So my question is: The same owner has
18:46 10 Fisherman's Village. And what's happened there?
11 Nothing. So why should anything happen here? All
12 this does is develop more traffic.
13 And if the County were to -- County
14 Planning Board or the Commissioners lived in the
18:46 15 marina they would be aware of what's happening,
16 but they aren't. All they see is another place to
17 get more money, more money, more money -- this is
18 the biggest cash cow that the County has -- and
19 there is no reason for this development to go on
18:47 20 when the gentleman who owns it hasn't done what he
21 should do with the other development he owns. And
22 I want to know why the County is pursuing this
23 when that hasn't been done. Why not have the
24 individual finish what he has to finish before
18:47 25 he's allowed to start something else? This is

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18:47 1 just something to develop traffic, traffic,
2 traffic. Try coming in here on the weekends or
3 going to work. More and more time is spent
4 getting through Admiralty Way or Mindanao to get
18:47 5 on the freeway. And if you watch it monthly, you
6 can see the progression of the traffic increase.
7 So my question is: Why is this project?

8 Thank you.

9 MR. MCCARTHY: Thank you.

18:48 10 And the next speaker -- and I believe
11 the last -- is Patricia -- again, you want to
12 spell your last name for us? I'm not sure if it's
13 Younis or --

14 MS. YOUNIS: Oh, which --

18:48 15 MS. COWELL: I'm Patricia.

16 MR. MCCARTHY: Oh, we have two Patricias.

17 Patricia Younis?

18 MS. COWELL: I'm Patricia Cowell.

19 MR. MCCARTHY: Well, no, we have -- I don't

18:48 20 have a card from you.

21 MS. COWELL: Well, now you have.

22 MR. MCCARTHY: All right.

23 Let the other Patricia Younis come
24 first.

18:48 25 (A discussion is held off the record.)

18:48 1 MS. COWELL: I've known the other Patricia --

2 THE REPORTER: I'm sorry?

3 MS. COWELL: I have known the other Patricia
4 for some time. She was queen of the boat parade
18:48 5 and did a lot for Marina del Rey. She was -- I
6 used to always think of her as the Marina del Rey
7 girl, but now she's owned by these property
8 people.

9 When are the answers due? I'd like to
18:49 10 comment, Mr. McCarthy. The final report sounds
11 like when it's all over and the decision are made,
12 so what's the point? I would love to answer any
13 direct questions with, "I'll let you know. You
14 know, hold your breath, please. I'll let you
18:49 15 know." The same owner of this site, as my husband
16 said, Site 44 here -- I live and work in the
17 marina, my office is over the bank -- some -- the
18 same owner of Site 44, the Fisherman's Village, is
19 sitting there how many years that they have a
18:49 20 lease on that, 16 or 17 years?

21 Can you tell me Mr. McCarthy.

22 MR. MCCARTHY: Ma'am, I'm not going to
23 respond to the --

24 MS. COWELL: Oh, yes, of course, I forget.
18:49 25 You've got this divine protection. It's like --

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18:49 1 it's like -- what is it? Under the Fifth I
2 wouldn't be telling you anything tonight.

3 Well, anyway, he's sat on that too long
4 had done nothing. This is on the Main Street.

18:49 5 It's going to kill us with traffic. The traffic
6 is appalling right now. And I'd like to know
7 which charity is getting the 2.4 million that's
8 going in to change our traffic problems in the
9 marina. I'm sure it'll go to charity. Although,

18:50 10 why should I be sure of that? I'd like to know
11 who's pocketing it. Maybe they'll give us a
12 party.

13 Thank you, sir.

14 I would love some answers eventually,
18:50 15 and I --

16 MR. MCCARTHY: Your last name? Can you spell
17 you last name?

18 MS. COWELL: It's Cowell -- it's exactly like
19 my husband's -- C-O-W.

18:50 20 I just have to ask you one more thing,
21 sir: When and if you ever get around to answering
22 these questions, I do intend giving you some
23 publicity for them. So please make sure I get a
24 copy. I'm Irish and I tend to be kind of dogged,
18:50 25 sir. I will come back to you with a question. It

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18:50 1 won't settle when I sit down.
2 Thank you, sir.
3 MR. MCCARTHY: So now we have
4 Patricia Younis.
18:50 5 And that's Y-U-O-N-I-S?
6 MS. YOUNIS: Y-O-U-N-I-S.
7 Good evening. My name is Patricia,
8 P-A-T-R-I-C-A, Y-U-O-N-I-S.
9 And I'm here to -- I wanted to comment,
18:51 10 one comment, about the -- I'm not sure what -- I
11 think you -- one of the speakers addressed the
12 issue of small boaters. This project has gone out
13 of its way -- amazingly out of its way -- to
14 accommodate the South Coast Corinthian Yacht Club.
18:51 15 It is building it a complete new facility in
16 exactly the location it wants, two-stories,
17 extra -- the marina is not a part of this hearing
18 so we're not supposed talk about that. Is that
19 correct?
18:51 20 MR. MCCARTHY: You can address whatever you
21 wish to that relates to the matter.
22 MS. YOUNIS: Okay.
23 MR. MCCARTHY: Apparently if the property is
24 located in the marina, you may.
18:51 25 MS. YOUNIS: Okay.

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18:51 1 The -- the water side of this project
2 goes on a separate -- a separate path so they're
3 certainly tied together, just a different
4 entitlement.

18:52 5 The accommodation for the small -- or
6 the South Coast Corinthian Yacht Club is
7 spectacular -- that's all I can say -- elevators,
8 everything, kitchens, all sorts of stuff, things
9 they do not have now. And that is in respect for
18:52 10 them. They are a small boaters' yacht club, very
11 inexpensive to join, to be a part of, and they are
12 extremely happy with what's going on.

13 Also, the other thing I would like to
14 make a point of telling people is that this
18:52 15 marina -- the marina side of this project -- is
16 keeping more small boat slips than any other
17 marina. So I think that before we comment that
18 the small boater's being eliminated from this
19 project, I think we should all learn the facts
18:53 20 first.

21 Thank you.

22 MR. MCCARTHY: Thank you.

23 MR. NAHHAS: Mr. McCarthy, can we qualify
24 her?

18:53 25 THE REPORTER: I'm sorry?

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18:53 1 MR. MCCARTHY: Sir, she has the right to say
2 whatever she wants and enter it in the record.
3 And there'll be an appropriate response in the
4 final environmental --

18:53 5 MR. NAHHAS: Is she speaking on behalf of the
6 developer, Mr. McCarthy?

7 MR. MCCARTHY: She has introduced herself as
8 Patricia Younis, self. And that's more than
9 adequate.

18:53 10 MR. NAHHAS: So we can't know what -- if
11 she's an agent of the --

12 MR. MCCARTHY: She's not going to be subject
13 by the audience to cross-examination.

14 MR. NAHHAS: No, we need to know if she's an
18:53 15 agent of the developer.

16 MR. MCCARTHY: She's identified as speaking
17 on her -- for herself, on her own.

18 MR. NAHHAS: Mr. McCarthy, we have rights
19 here.

18:53 20 We need to know if she's --

21 MR. MCCARTHY: You may say that you --

22 MR. NAHHAS: -- an agent here on behalf of
23 the developer --

24 MR. MCCARTHY: You can submit additional
18:53 25 written comments if you have something you want

18:53 1 the decision makers to consider. But she's
2 identified herself as speaking on behalf of
3 herself and not on behalf of --

4 MR. NAHHAS: Will you please address that in
18:53 5 the draft EIR, then, that we have people --

6 MR. MCCARTHY: Sir, you're --

7 MR. NAHHAS: -- on behalf of the developer --

8 MR. MCCARTHY: You have to write a request in
9 on that one.

18:54 10 MR. NAHHAS: Okay.

11 THE REPORTER: I'm sorry. I don't know who
12 was speaking.

13 MR. MCCARTHY: Again, you name, sir, was
14 Nahhas?

18:54 15 MR. NAHHAS: John Nahhas.

16 THE REPORTER: Thank you.

17 MR. NAHHAS: Thank you.

18 MR. MCCARTHY: Very well.

19 Can the agent of the applicant respond
18:54 20 just to try to quell some of the questions?

21 MR. CLARK: Yeah, I am an agent.

22 AUDIENCE MEMBER: You're an agent. She's --

23 MR. MCCARTHY: Mr. Aaron Clark --

24 THE REPORTER: I'm sorry?

18:54 25 MR. MCCARTHY: Mr. Aaron Clark is

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18:54 1 representing the applicant, one of two
2 representatives we have here tonight.
3 Mr. Hollander was the other.
4 If you want to listen to his response --
18:54 5 would you like to listen to his response?
6 MR. NAHHAS: Again, I want you to identify
7 who the agents are here. And I think --
8 MR. MCCARTHY: I don't think he's -- he is
9 the agent that has identified himself as being an
18:54 10 agent.
11 MR. NAHHAS: But anyone can speak -- all
12 right.
13 Aaron, you can respond. No problem.
14 MR. CLARK: You know, I just want to --
18:54 15 MR. NAHHAS: I think it's just a little --
16 it's unruly here when you have someone that comes
17 up and is supposedly an agent --
18 MR. MCCARTHY: Sir --
19 MR. NAHHAS: -- not identified --
18:54 20 MR. MCCARTHY: -- anyone is allowed to come
21 up. Anyone can come -- someone can walk in from
22 San Francisco, they can walk in from New York,
23 wherever, and speak. There's no limitation on
24 that --
18:55 25 MR. NAHHAS: Right.

18:55 1 MR. MCCARTHY: -- they are not subject -- you
2 have no authority to conduct interrogation of
3 those witnesses.

4 So they have testified, and if you wish
18:55 5 to challenge that in your comments, your written
6 comments, or go down to the Planning Commission
7 and challenge that, that's fine. But we're not
8 going to conduct an investigation here, ask for
9 ID, ask you to turn over income tax returns so we
18:55 10 can determine who she's working for. That's not
11 out purpose tonight.

12 MR. CLARK: But on the other hand, I am
13 working for the developer.

14 MR. MCCARTHY: Again, Aaron, just for the
18:55 15 record --

16 MR. CLARK: By the way --

17 MR. NAHHAS: Thank you for being --

18 MR. CLARK: Aaron Clark, A-A-R-O-N,
19 C-L-A-R-K. And I'm proud of the project.

18:55 20 In response to some of these comments it
21 will have traffic impacts; they will be
22 unmitigated; we will pay a fee.

23 AUDIENCE MEMBER: What happens to the money?

24 MR. MCCARTHY: Ma'am --

18:55 25 MR. CLARK: Well, it goes into the County

18:55 1 Department of --
2 THE REPORTER: I'm sorry?
3 MR. MCCARTHY: (Indicating.)
4 We cannot have a transcript prepared
18:56 5 when unidentified persons are speaking. There
6 will be no outbursts from the audience. We're
7 allowing him to speak.
8 MR. CLARK: And I apologize. I should not
9 engage with you.
18:56 10 What I'm saying is there will be a
11 substantial fee paid. The Department of Public
12 Works has a program for apportioning those fees
13 into traffic improvements within the marina and on
14 the periphery of the marina. I know that's hard
18:56 15 for you to see sometimes. But also the Small
16 Craft Harbor Commission and the Design Control
17 Board both unanimously approved this project,
18 seeing it to be consistent with the LCP, which it
19 is in all ways, except for the one variance, which
18:56 20 were -- it's not a amendment; it's a variance --
21 to allow a boater serving open-air dry-stack
22 storage facility on Bali Way to encroach a little
23 bit into the street frontage so that they can
24 provide more boats.
18:57 25 I think that's important to note here

18:57 1 tonight that it is conforming to the LCP with the
2 local coastal program; it's not asking for any
3 exclusions or variance -- one variance -- but no
4 amendments to that plan, which is sacrosanct. I
18:57 5 understand that.

6 Beyond that, you know, this developer in
7 his own way has tried to accommodate the
8 Corinthian Yacht Club in a meaningful way, not in
9 an insignificant way, and is going to rebuild a
18:57 10 new marina with boat serving uses. So in those
11 ways we think this project is very helpful to the
12 marina, notwithstanding the fact it will have
13 traffic impact; that's disclosed in the EIR. And
14 it will be overridden in the statement of
18:57 15 overriding considerations if the County chooses to
16 pursue that.

17 MR. MCCARTHY: Does that conclude your
18 remarks?

19 MR. CLARK: Yes, sir. Thank you.

18:58 20 MR. MCCARTHY: Very well.

21 As we indicated before, all of the
22 remarks made tonight will be responded to formally
23 in the final environmental impact report. I know
24 we have one representative from the Small Craft
18:58 25 Harbors Department here. I'm going to ask that

18:58 1 the Small Craft Harbors put the notice regarding
2 the public hearing in their website. If that was
3 not done regarding this meeting, that was
4 something we can correct for the next public
18:58 5 hearing. It will be on the website for the
6 Department of Regional Planning. And again, there
7 will be signs posted on the subject property
8 giving you the date of the public hearing.

9 And again, anybody who testified here is
18:58 10 welcome to show up at the public hearing, and
11 they're welcome to submit written testimony in
12 addition to their remarks made here tonight,
13 they're welcome to talk to their neighbors and
14 encourage them to participate as well.

18:58 15 We don't have -- we don't believe we
16 have an estimate on the completion of the final,
17 do we?

18 THE REPORTER: I'm sorry?

19 MR. MCCARTHY: So it will be several months
18:59 20 before that's prepared, then, and the hearing is
21 scheduled. So we do not have an exact date for
22 the hearing.

23 Again, March 31 is the date you want to
24 remember right now. March 31 is the last day for
18:59 25 your comments. And of course, today is March 4.

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And with that, we're going to close the
hearing.

(End of Proceedings.)

(The proceedings concluded at 6:59 p.m.)

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CERTIFICATION
OF
CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified
Shorthand Reporter of the State of California do
hereby certify:

The foregoing proceedings were taken
before me at the time and place herein set forth;
that any witnesses in the foregoing proceedings,
prior to testifying, were placed under oath; that
a verbatim record of the proceedings was made by
me using machine shorthand, which was thereafter
transcribed under my direction; further, that the
foregoing is an accurate transcription thereof.

I further certify that I am neither
financially interested in the action nor a
relative or employee of any or of any of the
parties.

IN WITNESS WHEREOF, I have this date
subscribed my name.





Heidi Hummel-Grant
Certified Shorthand Reporter
Number 12556

Dated: March 17, 2015

Letter Number 6: Hearing Examiner Meeting March 4, 2015**Response 6-1**

The commenter asks a question regarding the proposed tenants of the project. The comment does not raise an issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 6-2

The commenter asks for information related to construction of the bike path. Refer to **Response 1-1**, above.

Response 6-3

The commenter expresses an opinion regarding views associated with the project. Refer to **Response 2-1** and **Response 2-2**.

The commenter also expresses a concern regarding traffic associated with the project. Section 4.8, Traffic and Access, of the Draft EIR evaluates the potential for traffic impacts to occur as a result of the project. Section 4.8 summarizes the traffic study prepared for the project. The traffic study is provided in Appendix 4.8 of the Draft EIR. The traffic study analyzed 25 intersections. Of the 25 intersections studies, five are within the jurisdiction of the County, 14 are under the jurisdiction of the City of Los Angeles, and six are shared County/City jurisdiction. The analysis in Section 4.8 finds that the project would result in significant impacts at a total of seven intersections. Five intersections under the sole jurisdiction of the City of Los Angeles and two intersections exhibiting shared jurisdiction between the City of Los Angeles and the County of Los Angeles: Venice Boulevard and Lincoln Boulevard, Washington Boulevard and Lincoln Boulevard, Lincoln Boulevard and Marina Expressway, Lincoln Boulevard and Mindanao Way, Mindanao Way and eastbound Marina Expressway, Lincoln Boulevard and Fiji Way, and Lincoln Boulevard and Jefferson Boulevard, each during the PM peak hour only under the "Future (year 2016) with Project" conditions. One intersection under the sole jurisdiction of the County would be impacted under the "Existing (year 2013) with Project" scenario: Admiralty Way and Mindanao Way, although this location would not be impacted under the future year analysis scenario (due to currently ongoing improvement at this intersection to install dual southbound left-turn lanes on Admiralty Way); no significant impacts were identified at any of the Los Angeles County-only intersections during the "Future with Project" scenario. No feasible roadway or traffic signal improvements are available at any of the seven impacted City-only or City/County shared jurisdiction intersections. As a result, the potential

project-specific traffic impacts associated with the proposed project at these locations will remain significant and unavoidable.

The Certified LCP, which incorporates the recently adopted Marina del Rey LCP Amendment, identifies a number of transportation and circulation improvements that are designed to mitigate the traffic generation of ongoing development in Marina del Rey, of which the proposed Parcel 44 project is a part. The LCP's "Revised Set of Intersection Improvements," which supersedes the previous version of the LCP's Transportation Improvement Program (TIP) roadway improvement measures, include both local Marina and sub-regional cumulative roadway and/or intersection improvements that are designed to address both the incremental (project-specific) and cumulative traffic impacts from all projects developed within Marina del Rey itself (including the proposed project), as well as from increases in local and regional traffic demand created by other developments outside the County's jurisdiction that utilize the Marina roadway system.

The roadway improvements identified in the current LCP are funded (in part) by a traffic impact mitigation fee imposed by the County of Los Angeles, which all projects within the Marina, including the proposed development, are required to pay. These fees provide "fair share" contributions from each Marina development project toward the identified improvements based on the number of net new PM peak hour trips generated by each project. The County's current traffic impact mitigation fee structure identifies a fee amount of \$5,690 per PM peak hour trip.

Therefore, based on the anticipated project trip generation of 411 net new PM peak hour trips (per Los Angeles County Department of Public Works policy, the number of project-related trips applicable to the traffic impact mitigation fee does not include the total 24-trip PM peak hour pass-by traffic reductions used to analyze the proposed project's potential traffic impacts, the proposed Parcel 44 Visitor and Boater Serving Retail project will be required to pay a total of approximately \$2,338,590 in traffic impact mitigation fees. As noted above, these fees will be applied toward the project's "fair share" costs of implementing the roadway and intersection improvements described in the certified LCP.

The County's Department of Public Works has expressed that it generally prefers to coordinate and implement the local and regional roadway improvements identified in the certified LCP itself, in order to reduce overall construction time and minimize traffic disruptions associated with these improvements. Therefore, payment of the traffic impact mitigation fee noted above is the recommended method of addressing the proposed project's traffic impact mitigation, rather than the incremental or partial construction of any of the relevant certified LCP roadway improvements by the project applicant. However, should the County determine that the immediate implementation of roadway improvements is necessary in order to address the potential project-specific traffic impacts of proposed Parcel 44 Visitor

and Boater Serving Retail project, Mitigation Measures 4.8-1, 4.8-2a, 4.8-2b, and 4.8-3 are recommended for each of the eight significantly impacted locations.

As described in the Draft EIR (see page 4.8-74) and in the traffic study prepared for the project (see page 115 of the traffic study, included as Appendix 4.8 of the Draft EIR), the County is requiring a roadway intersection improvement as part of the project that will necessitate the widening of the south side of Mindanao Way just west of the street's intersection with Admiralty Way to accommodate installation of a new shared through/right-turn lane on the eastbound approach of Mindanao Way. This roadway intersection improvement will also convert the current shared through/right-turn lane to a shared left-turn/through lane at this intersection.

Installation of this roadway intersection improvement—which is a traffic improvement prescribed in the certified LCP for this intersection [LUP Section C.11 Circulation (e)]—will require the following work:

- Removal of two road medians and three trees located therein within Mindanao Way, west of the Mindanao Way/Admiralty Way intersection. Two street lights within these medians will need to be replaced, the more westerly one by two new street lights, one on each side of Mindanao Way behind the sidewalks, and the other by incorporating it with the to-be-relocated street lights/traffic signals at the intersection.
- Removal of approximately 140 lineal feet of curb and gutter on the north side of Mindanao Way, west of Admiralty Way, and placement of new curb and gutter to facilitate a 4-foot widening of the roadway.
- Addition of 4 feet of new pavement and base within the above-described 140 lineal foot area.
- Addition of approximately 240 lineal feet of new lane striping and other pavement markings to accommodate the revised roadway channelization.

The three trees proposed to be removed from the medians on Mindanao Way are non-native Paperbark Trees. In total, the project will necessitate the removal of 127 trees including these three (see **Figure 3 Parcel 44 Tree Survey**, **Figure 4 Existing Trees and Photos** and **Figure 5 Tree Survey and Disposition Plan** included in Section 3.0 Corrections and Additions of this Final EIR). As depicted on **Figure 5**, Tree nos. 123, 124 and 125 are proposed to be removed. As described on page 4.3-24 and 4.3-25 (**Section 4.3 Biological Resources**) of the Draft EIR, all tree removals necessitated by the project will be undertaken in strict accordance with the tree removal policies of the certified LCP (codified as Policies 23 and 34 of the certified LCP), as mandated in Biological Resources Mitigation Measure 4.3-1 of the project's Mitigation Monitoring & Reporting Program. None of the trees slated for removal as part of the project are native to California or are protected by County ordinance. As shown in **Figure 6a Project Planting Plan** through **Figure 6e, Project Planting Plan Detail**, 238 trees and palms will be replanted in the project. Project landscaping will comply with the County's drought-tolerant landscape ordinance with all trees being listed as either medium or low water use on the current WUCOLS (Water Use Classification of Landscape Species) plant list.

The Draft EIR also identified cumulative traffic impacts. The anticipated cumulative development traffic (including traffic from the proposed project) could result in significant impacts at a total of nine intersections, including four of the five County-only jurisdiction intersections (only the intersection of Admiralty Way and Fiji Way is not significantly impacted) and five of the six shared jurisdiction intersections (only Washington Boulevard and Via Dolce/Dell Avenue is not significantly impacted) during one or both of the peak hours. Additionally, it should be noted that the proposed project itself could produce a significant impact at the intersection of Lincoln Boulevard and Mindanao Way during the PM peak hour; this significant impact was not previously identified under the Los Angeles Department of Transportation (LADOT)-methodology analyses summarized in Draft EIR Table 4.8-8 and should be noted for the record. Traffic generated by the proposed Parcel 44 project will contribute incrementally to each of the nine cumulative significant impacts. The project is expected to contribute between about 8.2 percent (Admiralty Way and Via Marina) and 20.6 percent (Admiralty Way and Bali Way) toward the total cumulative impacts at the County-only jurisdiction intersections, and between about 4.7 percent (Lincoln Boulevard and Fiji Way) and about 20.1 percent (Lincoln Boulevard and Bali Way) toward the total cumulative impacts at the shared jurisdiction intersections, although the proposed project exhibits a “zero” percent contribution to the cumulative impact at the intersection of Washington Boulevard and Palawan Way. Measures to address the potential cumulative significant impacts at the four County-only jurisdiction intersections are discussed in the “Mitigation Measures” section on page 4.8-72 of the Draft EIR; no feasible mitigation measures are available to address the potential cumulative impacts at the shared County/City jurisdiction intersections.

Response 6-4

The commenter expresses an opinion regarding the noticing for the project. In accordance with *State CEQA Guidelines* Section 15087 and the County’s own procedures, the project was noticed in the following manner:

- Notice of Preparation (NOP) filed with State Clearing House and send 15 hard copies executive Summary and 15 CDs
- NOP placed in newspaper
- Posted NOP/Notice of Scoping Meeting (NOS) to website
- Mailed the NOP/NOS to all property owners and applicable courtesy list within 500 feet
- NOS posted on property

In addition the notice was sent to 13 County departments, three County libraries, 15 state agencies, four federal agencies, 22 additional agencies and individuals, and posted with the County Clerk.

Response 6-5

The commenter is referred to Section 4.8, Traffic and Access, of the Draft EIR, which discusses access to the project site specifically. Also refer to **Response 6-3** for the Draft EIR's findings related to traffic mitigation.

Response 6-6

The commenter expresses an opinion that the project will inhibit access to boats. As provided in Section 3.0, Project Description, of the Draft EIR, the project includes 56 dry stack boat storage spaces. In addition, the project will provide marine/boater-serving retail, marine and conventional office space, a community room, and boater serving uses including Code-compliant boater parking on site, new boater restroom facilities, a new yacht club, a new boat hoist, and a new boat repair shop. As such, the project will increase boater resources on the site (through a combination of uses) compared to existing conditions.

Response 6-7

The commenter cites three sections of the Coastal Act related to access (30210, 30211, and 30212) and expresses an opinion the project is in conflict with these sections. These sections relate to access to the sea. The project does not interfere with access to the sea as the site would remain publically accessible. Rather, the project increases access and provides a benefit by realigning the bike path to run along the waterfront. The project also includes a publically accessible promenade and public seating for water access and viewing. The cited sections do not relate to prohibition of uses such as Trader Joes; and, as noted, the proposed visitor-serving and boater-serving commercial retail uses are compliant with the parcel's land use designations and permitted uses per the certified Marina del Rey Local Coastal Program.

Response 6-8

The comment relates to traffic. Refer to **Response 6-3**, above.

Response 6-9

The comment states the development would interfere with access to the park. The Draft EIR has identified significant and unavoidable intersection impacts at the following seven intersections:

Venice Boulevard and Lincoln Boulevard, Washington Boulevard and Lincoln Boulevard, Lincoln Boulevard and Marina Expressway (SR-90), Lincoln Boulevard and Mindanao Way, Mindanao Way and eastbound Marina Expressway, Lincoln Boulevard and Fiji Way, Lincoln Boulevard and Jefferson Boulevard. As stated in the Draft EIR, there are no feasible mitigation measures to reduce these project level impacts. While LOS would be reduced to unacceptable levels at the above intersections, this would not result in an inability to access the project site or an inability to access Burton Chace Park. In fact, the

project would provide greater access to the park and water via bicycle by improving the existing bikeway.

Response 6-10

The comment relates to available views with the project. Refer to **Response 2-1** and **Response 2-2**, above, for a discussion of provided view corridors.

Response 6-11

The comment relates to traffic mitigation. Refer to **Response 6-3**.

Response 6-12

The commenter expresses an opinion the traffic study prepared for the project is not valid but does not provide any examples or reasoning for this statement. The traffic study for the Draft EIR evaluated traffic impacts in accordance with County and City of Los Angeles methodologies. These methodologies are provided in Section 4.8 of the Draft EIR (subsection 4.8.2.1). As stated on page 4.8-4 of the Draft EIR,

Impacts for the 25 intersections were assessed using Critical Movement Analysis (CMA) methodology as the basis for the analysis and evaluation of traffic operations at signalized intersections; the CMA procedures are applicable for the evaluation of signalized intersection operations during the weekday peak hour analysis periods. This analysis technique, detailed in Circular Number 212 published by the Transportation Research Board (TRB), describes the operating characteristics of an intersection "Level of Service" based on intersection traffic volumes and other variables such as number and type of signal phasing, lane geometries, and other factors which determine both the quality of traffic that can move through an intersection (capacity) and the quality of that traffic (level of service).

Development within the Marina, including the methodology for estimating the trip generation of various land uses, is governed by the Marina del Rey Local Coastal Program (referred to herein as the "certified LCP" or "LCP"). The "Marina specific" trip generation rates included in the LCP are recognized as accurately representing the trip generation activity for developments within the Marina by the County's Department of Public Works Traffic and Lighting Division, and are therefore appropriate for use in estimating the traffic resulting from the proposed project.

Page 4.8-26 states:

Traffic volume data for the weekday AM and PM peak hour study intersections were obtained from counts performed specifically for this project in December 2011. Based on traffic growth trends in the study area, it is expected that the traffic patterns and volumes identified in these counts will remain relatively constant, and continue to accurately reflect traffic conditions in the study area for some time. However, for purposes of the project's TIA, the December 2011 count data were increased using the County's recommended ambient traffic growth factor to estimate the traffic volumes for the year 2013 conditions identified in this study. The count data are representative of typical mid-week conditions during weeks with no holidays or other special events, and with all area businesses and schools in full, regular operation. The "peak hour"

volumes described in this analysis reflects the highest four consecutive 15-minute periods within a larger 3-hour count windows; peak hour traffic volumes were determined individually for each of the study intersections, assuring that the “worst case” operational conditions at each location were analyzed in this study.

Both the LA County Department of Public Works (LACDPW) and LADOT define a significant traffic impact based on a “stepped scale” as defined in the County’s “Traffic Impact Analysis Report Guidelines” and LADOT’s “Traffic Study Policies and Procedures.” These impact definitions recognize that intersections at high volume-to-capacity ratios are more sensitive to additional traffic than those operating with available surplus capacity. A significant traffic impact is identified as:

an increase in the CMA value of 0.010 or more, when the final (With Project) LOS is E or F (CMA > 0.900);

a CMA increase of 0.020 or more at LOS D (CMA > 0.800 to 0.900); and

a CMA increase of 0.040 or more at LOS C (CMA > 0.700 to 0.800).

The project’s TIA also evaluated the potential impacts on the regional transportation system utilizing the guidelines set forth in the CMP. The intent of the CMP is to provide the analytical basis for transportation decisions through the State Transportation Improvement Program (STIP) process. According to the CMP, a traffic analysis is required at all arterial monitoring intersections where the proposed project would add 50 or more trips during either the AM or PM weekday peak hours. In addition, a traffic analysis is also required at all mainline freeway monitoring locations where the project would add 150 or more trips, in either direction, during either the AM or PM weekday peak hours. An analysis of parking demand and proposed supply is also presented.

Response 6-13

The commenter states the EIR does not take into account other projects in the marina. The project’s TIA includes a list of “related projects.” These projects represent those projects currently under construction or planned for construction within 2 miles of the project site. A listing of specific projects located within was obtained from various sources, including the Los Angeles County Department of Regional Planning, the County Department of Beaches and Harbors, LADOT, and the City of Culver City Planning Department. Additionally, a field survey was conducted to identify any ongoing developments not on these lists. Related projects are listed in Table 4.0-1 of the Draft EIR. Traffic generated from nearby related projects was also added to these future baseline traffic volumes to identify future cumulative traffic conditions in the area. However, it should be noted that the assumed 0.6 percent annual ambient traffic growth factor is expected to accurately represent all area traffic growth within the study period; as such, the inclusion of additional traffic due to specific projects in the study area in addition to the assumed ambient background traffic growth may tend to overstate cumulative conditions. Therefore, so as not to inordinately deteriorate future traffic conditions and to more accurately predict future traffic volumes, for

purposes of the project's TIA, related projects generating fewer than 20 net new peak hour trips or those located outside the 2.0-mile radius were generally not included as specific traffic generators, and were assumed to be included within the ambient traffic growth increases. However, in order to fully evaluate the cumulative traffic effects of ongoing or proposed development within Marina del Rey itself, all proposed projects located in the Marina were included in this analysis, regardless of their net traffic generation.

The traffic volumes of related projects were then distributed through the study area and assigned to the area roadway and freeway network. As with the proposed project traffic assignments, the distribution and assignment of traffic for related projects was assumed to exhibit the same travel paths during both the AM and PM peak hours.

Next, the cumulative traffic generated by the 30 identified related projects in the study area is added to the "With Ambient Growth Plus Project" traffic volume forecasts, to create the final "With Cumulative Development" traffic scenario, which includes all anticipated traffic increases within the study area, including those of the proposed project. These forecast conditions are then again compared to the earlier "With Ambient Growth Only" scenario to determine the potential cumulative impacts of all expected traffic increases in the study area for the future study year. This step allows for the identification of potential long-term roadway improvements that may be necessary to mitigate total anticipated traffic growth in the study area, but which are beyond the ability of any particular development to implement.

To address the combined effects of both project-specific and cumulative development traffic impacts, the County has identified a series of improvements for roadways and/or intersections located in and around Marina del Rey. These improvements are funded wholly or in part by the Marina del Rey traffic impact mitigation fees, originally identified in the LCP's now-superseded Transportation Improvement Program (TIP), and also incorporated into the recent Marina del Rey Local Coastal Program update. As part of the evaluation of potential project traffic impacts on the intersections under the jurisdiction of the County within Marina del Rey, the project's "fair share" contributions to any such cumulative improvements are also identified as a percentage of the total incremental cumulative impacts. This analysis methodology was used to identify future conditions, including both project-specific and cumulative (project plus related projects) impacts, only for those study intersections identified earlier as within Marina del Rey and under the County's jurisdiction.

LADOT does not specifically evaluate or identify the potential impacts of cumulative development on the area intersections; rather, LADOT combines the effects of both the forecast ambient traffic growth and traffic generated by related projects to estimate the future "Without Project" conditions. The project-related incremental traffic volumes are then added to this no-project baseline to form the City's

“With Project” traffic forecasts, against which the incremental impacts of the proposed project are identified and evaluated. Like the County, LADOT also requires individual projects to mitigate any identified project-specific impacts. While the LADOT impact analysis methodology does not specifically identify either cumulative impacts or cumulative mitigation requirements at intersections under its jurisdiction, it is of note that the forecast LADOT “With Project” conditions are identical to those produced under the County’s “With Cumulative Development” traffic forecast scenario.

Further, the inclusion of traffic generated by the related projects in the pre-project future year baseline traffic conditions produces higher “Without Project” intersection LOS values against which the project’s incremental traffic additions are compared, increasing the potential for project-specific impacts as compared to the County’s evaluation methodology. As described earlier, both LADOT and LACDPW utilize the same significance criteria to evaluate project traffic impacts at study intersections. However, LADOT’s criteria exhibit smaller thresholds for significance as intersection LOS increases, with higher baseline (Without Project) conditions resulting in smaller project traffic increments being identified as “significant,” and potentially resulting in project-specific impacts (and therefore requiring associated mitigation improvements) that would otherwise not be identified under the County’s analysis methodology. In general, however, both analysis methodologies produce approximately equivalent results regarding the determination of project traffic impacts.

The anticipated cumulative development traffic (including traffic from the proposed project) to the shared jurisdiction locations could result in significant impacts at five of the six shared jurisdiction intersections during one or both of the peak hours, with only Washington Boulevard and Via Dolce/Dell Avenue not significantly impacted. Further, it should be noted that the proposed project itself could produce a significant impact at the intersection of Washington Boulevard and Mindanao Way during the PM peak hour; this significant impact was not previously identified under the LADOT-methodology analyses summarized in Table 4.8-8 of the Draft EIR and should be noted for the record. Additionally, as noted earlier, traffic generated by the proposed Parcel 44 project will contribute incrementally to each of the five cumulative significant impacts. As also shown in Draft EIR Table 4.8-13, the project is expected to contribute between about 2 percent (Washington Boulevard and Via Marina/Ocean Avenue) and about 20.1 percent (Lincoln Boulevard and Bali Way) toward the total cumulative impacts, although the proposed project exhibits a “zero” percent contribution to the cumulative impact at the intersection of Washington Boulevard and Palawan Way. Measures to address the potential cumulative significant impacts at the six shared jurisdiction intersections are also provided in the “Mitigation Measures” section of Section 4.8.

Response 6-14

The commenter asks where the mitigation fees will be spent. Few roadway, intersection, or traffic signal system improvements are planned for the area due its developed nature. However, Chapter C.11 of the Marina del Rey LCP includes programmed improvements to a number of intersections and roadways located within unincorporated Marina del Rey. The County began construction on several of these roadway improvements in July 2013, and anticipates completion in early 2014. The County has also recently approved an improvement to the currently STOP-sign controlled intersection at Washington Boulevard and Palawan Way to install a new traffic signal and to reconfigure the northbound approach of Palawan Way to provide dual-left turn lanes in addition to the existing right-turn only lane. Additional improvements that are planned (but potentially not funded) are included in the "Revised Set of Intersection Improvements" contained in the updated LCP.

Response 6-15

The comment relates to the process for the project. The project, and its associated Final EIR, will be considered at a public hearing conducted by the Regional Planning Commission, appropriate public notice for which will be provided by the County in accordance with the County's public hearing noticing requirements.

Response 6-16

The commenter provides a general opinion on the marina and does not raise an issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 6-17

The commenter expresses an opinion but does not raise an issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 6-18

The comment relates to traffic. See **Response 6-3, Response 6-12, Response 6-13 and Response 6-14.**

Response 6-19

The commenter expresses an opinion but does not raise an issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a

final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 6-20

The comment relates to traffic. See **Response 6-3, Response 6-12, Response 6-13, and Response 6-14.**

Response 6-21

The commenter requests a copy of the Final EIR. The Final EIR will be disturbed in accordance with *State CEQA Guidelines* Section 15095.

Response 6-22

The commenter expresses an opinion in favor of the project. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

3.0 CORRECTIONS AND ADDITIONS

OVERVIEW

The California Environmental Quality Act (CEQA) Guidelines Section 15088.5 states:

- (a) *A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice of its availability ... “significant new information” requiring recirculation includes, for example, a disclosure showing that:*
 - (1) *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
 - (2) *A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
 - (3) *A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.*
 - (4) *The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*
- (b) *Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in the adequate EIR.*
- (c) *If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.*
- (d) *Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.*
- (e) *A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.*

New information is “significant” if as a result of the additional information “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.”¹ *State CEQA Guidelines* Section 15088.5(a). Recirculation is not mandated when the new information merely clarifies, amplifies, or makes and insignificant modification to an adequate Draft EIR.²

¹ *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* 864 P.2d 502, 510 (1993) (*Laurel Heights II*)

² *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 150 P.3d 709 (2007) (quoting *Laurel Heights II*, 864 P.2d at 510); see also *Marin Mun. Water Dist. v. KG Land California Corp.*, 235 Cal.App.3d 1652, 1667 (1991) (citing *Sutter Sensible Planning v. Board of Supervisors* 122 Cal.App.3d 813 (1981))

One staff initiated text change was identified and made. This change made since publication of the Draft EIR does not substantially affect the analysis contained in the Draft EIR, does not result in a substantial increase in the severity of a significant impact identified in the Draft EIR and does not change the conclusions in any way.

All of the public comments on the Draft EIR, as well as these corrections and additions to the Draft EIR have been carefully reviewed to determine whether recirculation of the Draft EIR is required. All of the new information in these corrections and additions to the Draft EIR, in the comments, and in the responses to comments merely clarify or amplify or make insignificant modifications to an adequate Draft EIR. Therefore, the Draft EIR need not be recirculated prior to certification.

CHANGES TO THE DRAFT EIR

Changes to the Draft EIR are identified below by the corresponding Draft EIR section and subsection, if applicable, and the page number. Additions are in underline and deletions are shown in ~~striketrough~~ format.

Appendix 1.0 - Initial Study

The Initial Study checklist incorrectly identifies “Recreation” as a topic area to be evaluated. The analysis on page 40 of the Initial Study clearly indicates the Recreation is not a topic that needs to be evaluated in the Draft EIR. However, as the checkbox on page 6 erroneously identified Recreation as a topic to be analyzed in the Draft EIR, the following text correction has been made to the Initial Study. To correct the incorrectly marked checkbox associated with the topic area of recreation; the text of page 6 is revised as follows:

The environmental factors checked below would be potentially affected by this project.

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture/Forest | <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Utilities/Services |
| <input type="checkbox"/> Energy | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Mandatory Findings |
| <input checked="" type="checkbox"/> Geology/Soils | | of Significance |

3.0 Project Description

The discussion of construction phasing has been amended to include provisions for the temporary bike path. The following text is added to the bottom of page 3.0-28:

Temporary Bike Path

To ensure the safety of cyclists during construction, it is anticipated that construction safety provisions will be included during each phase of construction. The project site will be divided into three zones to work around the existing bike path during the demolition and grading phase. Once demolition is complete, the bike path will be temporarily relocated to the east end of the property along Admiralty Way. This relocation is necessary to ensure safety of cyclists during construction. Proper signage will be provided to ensure cyclists are aware of the relocation and the relocated bike path will be fenced on both sides (emergency gates will be provided) and paved to ensure safety. Finally, once construction of the promenade and the new buildings is complete, the new alignment of the bike path would be opened. It is expected the temporary bike path will be in use for approximately nine months. Figures 1 and 2 on the following pages depict the proposed sequencing of the bike path realignment during construction and proposed safety measures.

The following text is added to page 3.0-28 under the heading **3.0.6.11, Project Construction Program and Phasing:**

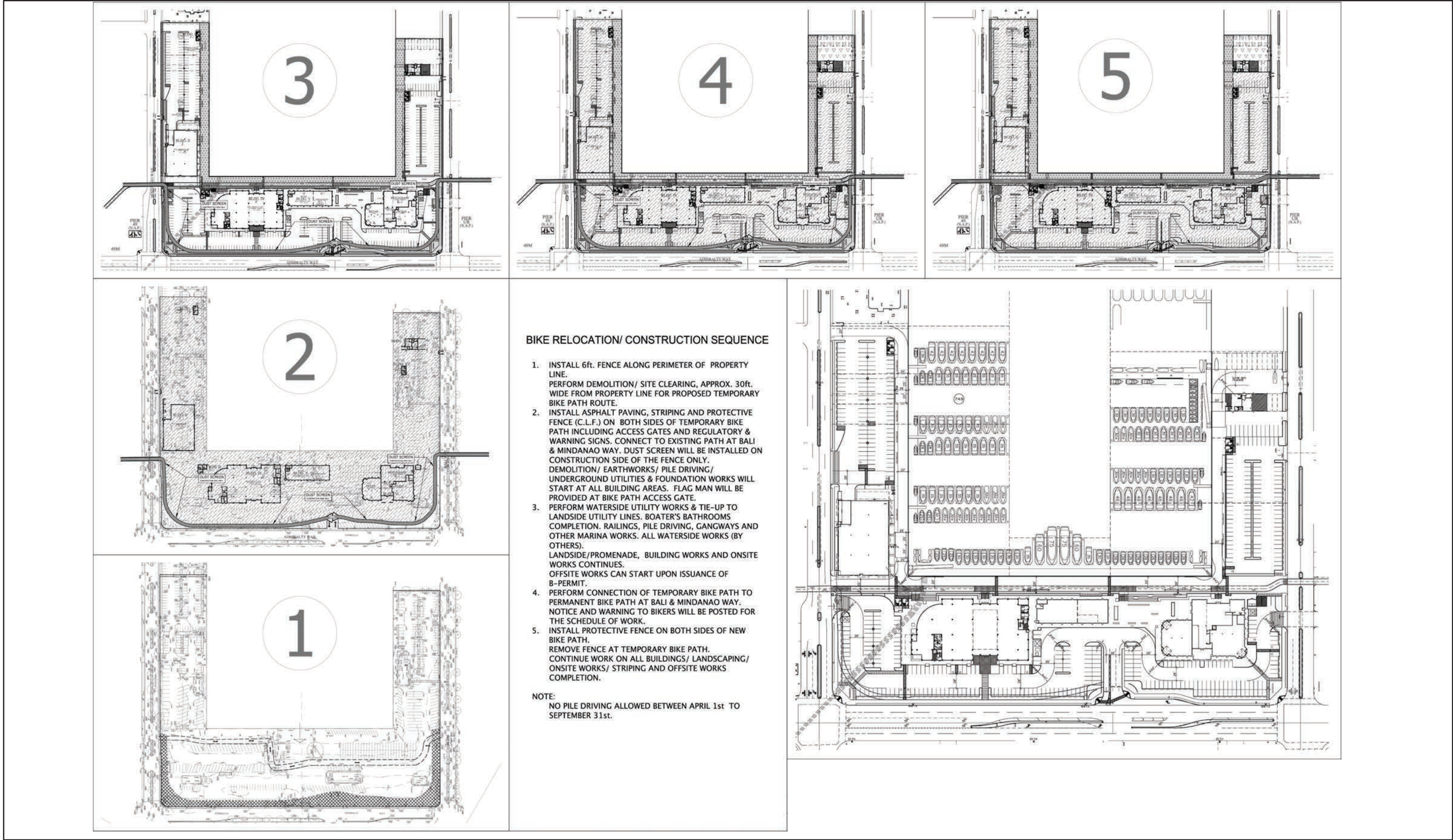
As described further in Section 4.8 Traffic/Access, the County is requiring a roadway intersection improvement as part of the project that will necessitate the widening of the south side of Mindanao Way just west of the street's intersection with Admiralty Way to accommodate installation of a new shared through/right-turn lane on the eastbound approach of Mindanao Way. This roadway intersection improvement, prescribed in the certified LCP, will also convert the current shared through/right-turn lane to a shared left-turn/through lane at this intersection. This roadway intersection improvement will require the removal of three non-native Paperbark Trees located within the Mindanao Way medians that must be removed as part of this intersection improvement. In total, the project will necessitate the removal of 127 trees as shown in **Figure 3-Parcel 44 Tree Survey, Figure 4 Existing Trees and Photos and Figure 5 Tree Survey and Disposition Plan.** As shown in **Figure 6a Project Planting Plan through Figure 6e, Project Planting Plan Detail**-238 trees and palms will be replanted in the project. - All tree removals necessitated by the project will be undertaken in strict accordance with the tree removal policies of the certified LCP. None of the trees slated for removal as part of the project are native to California or are protected by County ordinance. Project landscaping will comply with the County's drought-tolerant

landscape ordinance with all trees being listed as either medium or low water use on the current WUCOLS (Water Use Classification of Landscape Species) plant list.

4.8 Traffic and Access

The discussion on page 4.8-72 has been updated as follows:

As also shown in Table 4.8-11, the anticipated cumulative development traffic (including traffic from the proposed Parcel 44 project) to the shared jurisdiction locations could result in significant impacts at five of the six shared jurisdiction intersections during one or both of the peak hours, with only Washington Boulevard and Via Dolce/Dell Avenue not significantly impacted. Further, it should be noted that the proposed project itself could produce a significant impact at the intersection of ~~Washington~~ Lincoln Boulevard and Mindanao Way during the PM peak hour; this significant impact was not previously identified under the LADOT-methodology analyses summarized earlier in Table 4.8-8 and should be noted for the record. Additionally, as noted earlier, traffic generated by the proposed Parcel 44 project will contribute incrementally to each of the five cumulative significant impacts. ~~As also shown (below) in Table 4.8-13, the project is expected to contribute between about 2.4 percent (Washington Lincoln Boulevard and Via Marina/Ocean Avenue Fiji Way) and about 20.1 percent (Lincoln Boulevard and Bali Way) toward the total cumulative impacts, although the proposed project exhibits a “zero” percent contribution to the cumulative impact at the intersection of Washington Boulevard and Palawan Way.~~ Measures to address the potential cumulative significant impacts at the six shared jurisdiction intersections are also discussed later in the “Mitigation Measures” section of this report.



SOURCE: Sinian Development Inc., April 2015

FIGURE 1

Bike Path Full Schematic





FIGURE 3

Parcel 44 Tree Survey



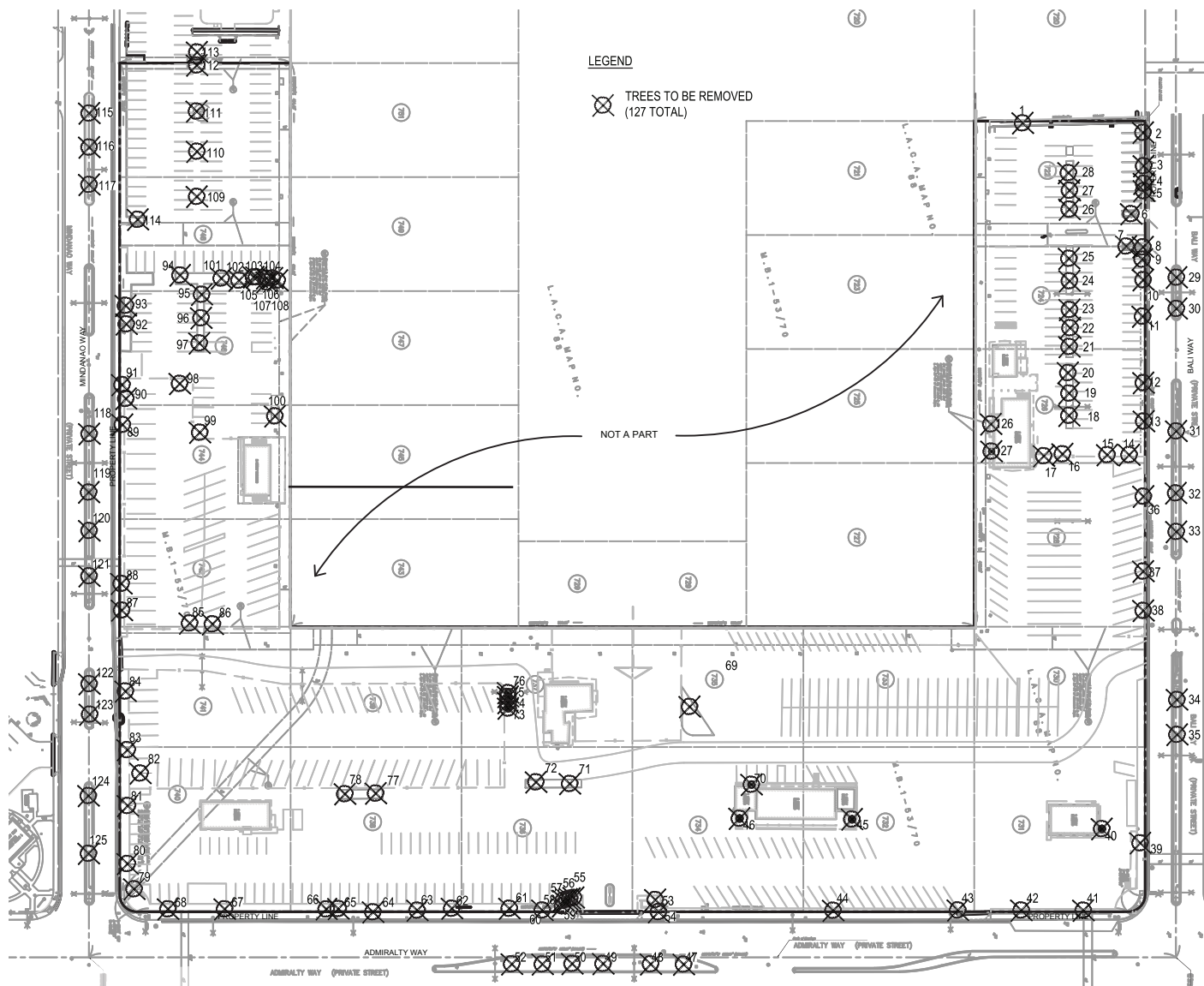
496 248 0 496

APPROXIMATE SCALE IN FEET

SOURCE: David Kenneth Larkins, Licensed Landscape Architect May 2015

FIGURE 4

Existing Trees and Photos

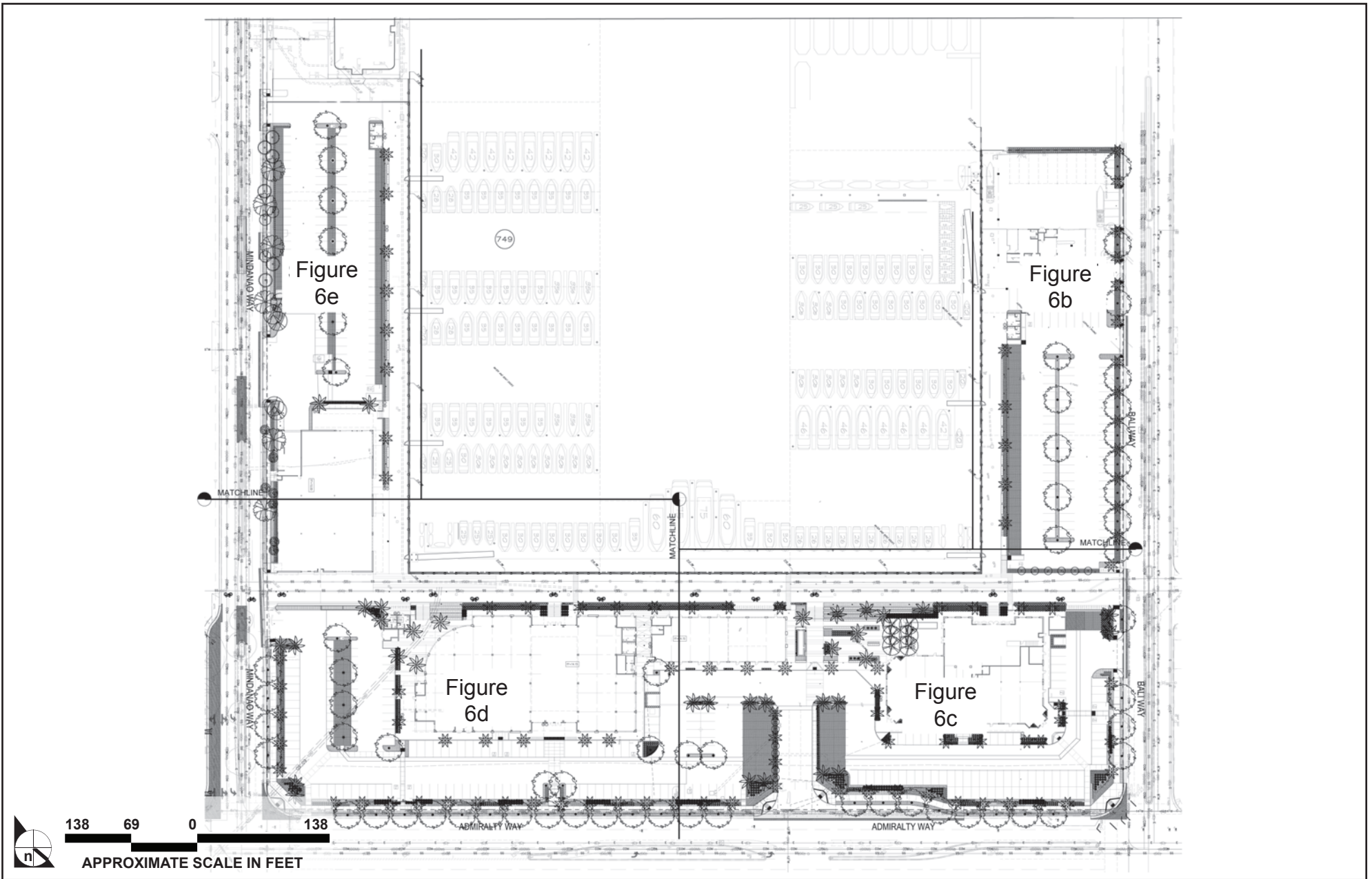


72 36 0 72
APPROXIMATE SCALE IN FEET

SOURCE: David Kenneth Larkins, Licensed Landscape Architect May 2015

FIGURE 5

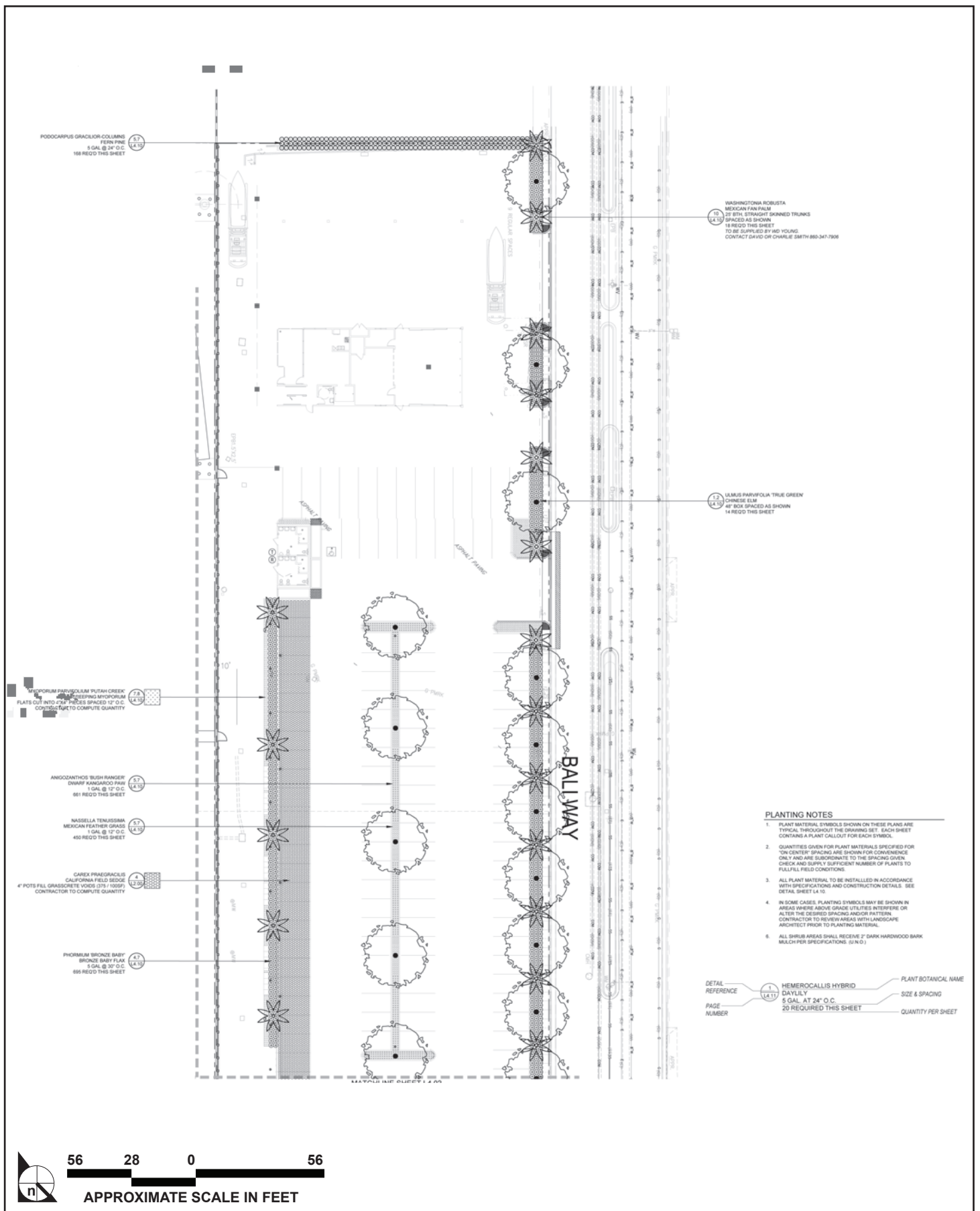
Project Tree Survey and Disposition Plan



SOURCE: David Kenneth Larkins, Licensed Landscape Architect May 2015

FIGURE 6a

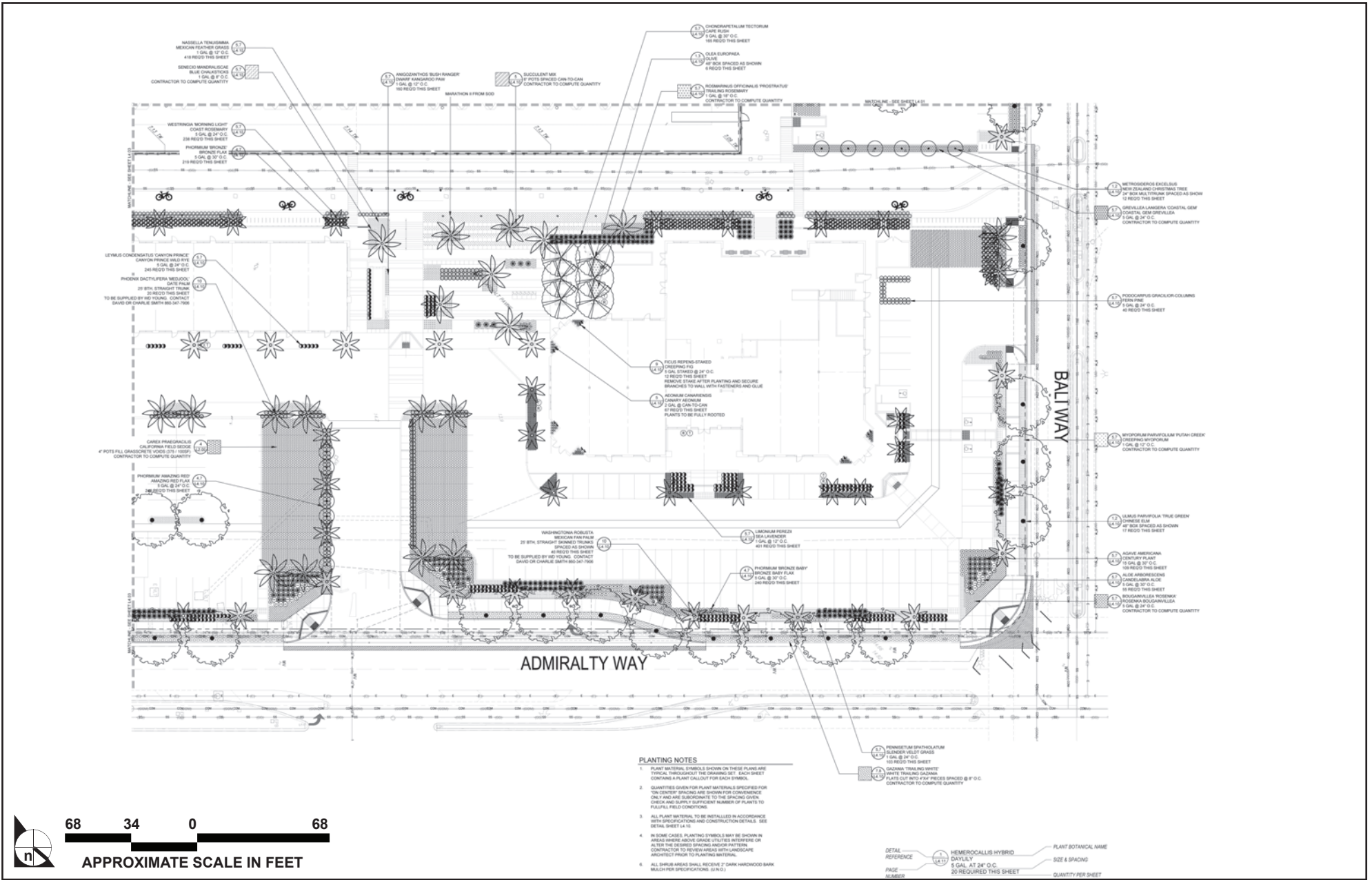
Project Planting and Landscape Plan



SOURCE: David Kenneth Larkins, Licensed Landscape Architect May 2015

FIGURE 6b

Project Planting and Landscape Plan



SOURCE: David Kenneth Larkins, Licensed Landscape Architect May 2015

FIGURE 6c

Project Planting and Landscape Plan

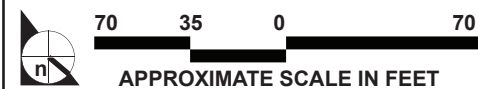
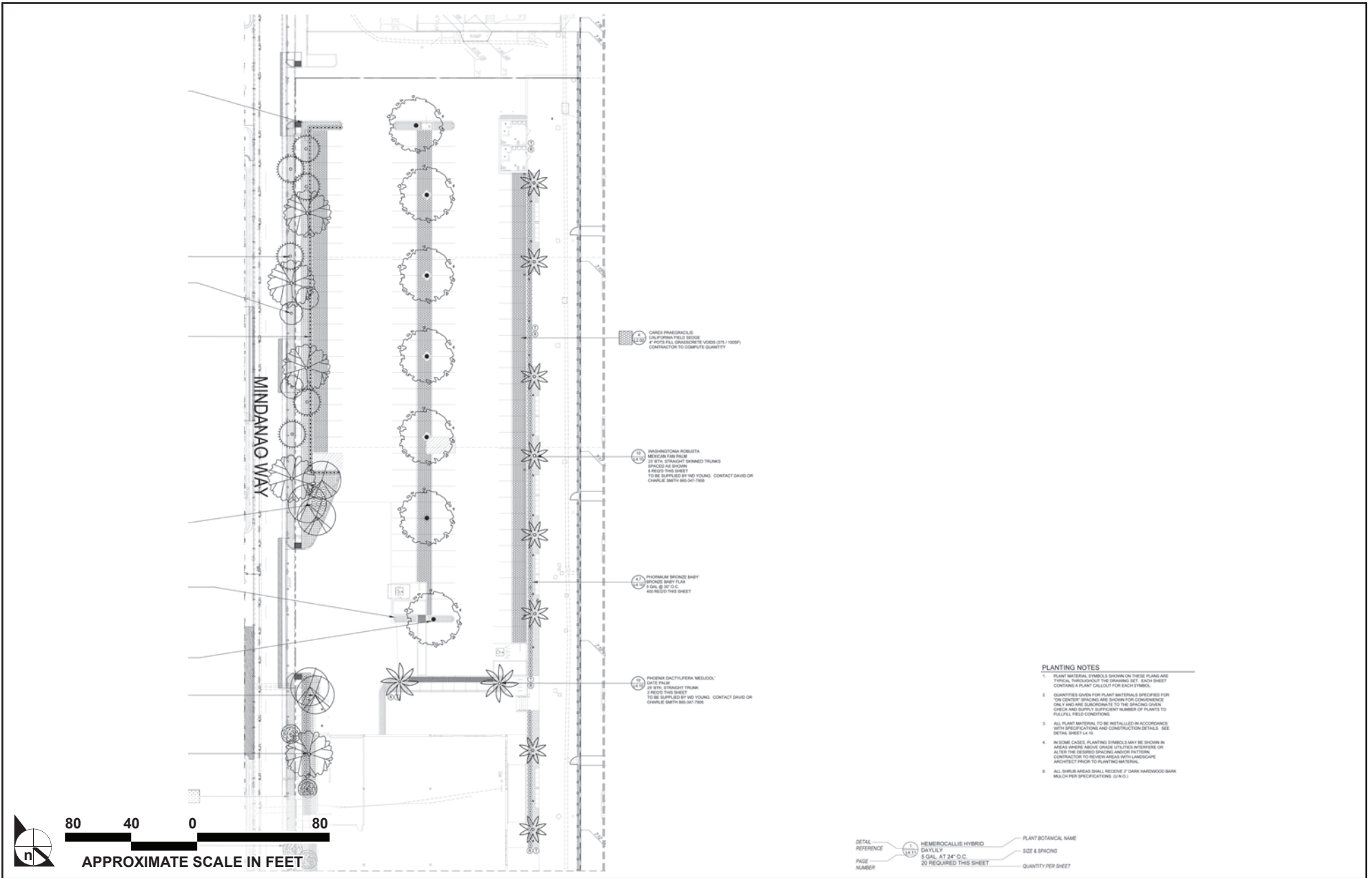


FIGURE 6d

0889.005•05/15



SOURCE: David Kenneth Larkins, Licensed Landscape Architect May 2015

FIGURE 6e

Project Planting and Landscape Plan

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The Mitigation Monitoring Report and Program (MMRP) describes the procedures the applicant and others will use to implement the mitigation measures adopted in connection with the approval of the proposed project and the methods of monitoring such actions. A Monitoring Program is necessary only for impacts which would be significant if not mitigated. The following consists of a monitoring program table noting the responsible agency for mitigation monitoring, the schedule, and a list of all project-related mitigation measures.

PURPOSE

The MMRP has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA). It is the intent of this program to: (1) verify satisfaction of the required mitigation measures of the EIR; (2) provide a methodology to document implementation of the required mitigation measures; (3) provide a record of the Monitoring Program; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) utilize existing review processes wherever feasible.

**Table 4.0-1
Mitigation Monitoring and Reporting Program Matrix**

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.3 Biological Resources				
Impact 4.3-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)				
4.3-1: Prior to and during all project-related construction activities, applicant shall strictly comply with all applicable policies contained in Policy Nos. 23 (Marina del Rey Tree Pruning and Tree Removal Policy), 34 (Marina del Rey Leasehold Tree Pruning and Tree Removal Policy), and 37 (Biological Report & Construction Monitoring Requirements) of the certified LCP.	Applicant and subsequent owner(s)	Review of applicable policies contained in Policy Nos. 23, Nos. 34, and Nos. 37	1. County of Los Angeles Department of Regional Planning 2. County of Los Angeles Department of Regional Planning 3. Prior to Construction; Verify During Construction	Ongoing monitoring
4.4 Geology and Soils				
Impact 4.4-1: The project would expose of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction				
4.4-1: Adherence to the design recommendations provided in the Geotechnical study.	Applicant and subsequent owner(s)	Review of building plans	1. County of Los Angeles Building Plan Check Geotechnical Engineer 2. County of Los Angeles Building Plan Check Geotechnical Engineer 3. Prior to Construction	MITIGATION INCORPORATED INTO THE BUILDING PLANS The mitigation measure must be included on the building plans prior to permits being granted

4.0 Mitigation Monitoring and Reporting Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.4 Geology and Soils (continued)				
Impact 4.4-2: The project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse				
4.4-2: Adherence to the design recommendations provided in the Geotechnical study.	Applicant and subsequent owner(s)	Review of grading permits	1. County of Los Angeles Building Plan Check Geotechnical Engineer 2. County of Los Angeles Building Plan Check Geotechnical Engineer 3. Prior to Construction	MITIGATION INCORPORATED INTO THE BUILDING PLANS The mitigation measure must be included on the building plans prior to permits being granted
Impact 4.4-3: The project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property				
4.4-3: Adherence to the design recommendations provided in the Geotechnical study.	Applicant and subsequent owner(s)	Review of grading permits	1. County of Los Angeles Building Plan Check Geotechnical Engineer 2. County of Los Angeles Building Plan Check Geotechnical Engineer 3. Prior to Construction	MITIGATION INCORPORATED INTO THE BUILDING PLANS The mitigation measure must be included on the building plans prior to permits being granted
4.7 Noise				
Impact 4.7-3: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from amplified sound systems				
4.7-1: All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses. As the project is constructed, the use of building structures as noise barrier would be sufficient. The applicant's representative shall spot check to ensure compliance.	Applicant and subsequent owner(s)	Field visit to verify compliance	1. Los Angeles County Building Official 2. Los Angeles County Building Official 3. Ongoing prior and during construction	MITIGATION TO BE COMPLETED PRIOR TO CONSTRUCTION OF THE PROJECT

4.0 Mitigation Monitoring and Reporting Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.7 Noise (continued)				
4.7-2: The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project and anticipated duration of construction activity, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.	Applicant and subsequent owner(s)	Field visit to verify compliance	1. Los Angeles County Building and Safety Division 2. Los Angeles County Building and Safety Division 3. Ongoing prior and during construction	MITIGATION TO BE COMPLETED PRIOR TO CONSTRUCTION OF THE PROJECT
4.10.2 Solid Waste				
Impact 4.10.3-1: The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.				
4.10.3-1: The project proponent shall also provide a Construction and Demolition Debris Recycling and Reuse Plan to recycle, at a minimum, 50 percent of the construction and demolition debris.	Applicant and subsequent owner(s)	Review of Construction and Demolition Debris Recycling Reuse Plan	1. County of Los Angeles Health Department 2. County of Los Angeles Health Department 3. Prior to construction	MITIGATION TO BE IMPLEMENTED PRIOR TO CONSTRUCTION A Construction and Demolition Debris Recycling Reuse Plan must be developed for the construction activities of the project and approved prior to allocation of demo and grading permits

4.0 Mitigation Monitoring and Reporting Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.10.2 Solid Waste (continued)				
4.10.3-2: To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the project applicant. This plan shall be reviewed and approved by the County of Los Angeles Health Department. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles Source Reduction and Recycling Element. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site customers and business operators.	Applicant and subsequent owner(s)	Final Plan Check	1. County of Los Angeles Health Department 2. County of Los Angeles Health Department 3. Prior to Issuance of Occupancy Permits for Each Phase	MITIGATION TO BE IMPLEMENTED PRIOR TO OCCUPANCY A Solid Waste Management Plan must be developed for the operational activities of the project and approved prior to occupancy

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access				
Impact 4.8-1: The proposed project would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit				
Project Specific Measures – Los Angeles County Intersections: 4.8-1 Admiralty Way and Mindanao Way – Although as shown earlier in Table 4.8-8 , the project could result in a significant impact at this intersection during the PM peak hour under the “Existing With Project” scenario, this location was assumed only to be improved with the project-required improvements to the eastbound approach of Mindanao Way for the analysis of potential project-related impacts for that scenario. However, as described earlier in this report, the County is currently underway with, and is nearing completion on, improvements to Admiralty Way that will install new southbound dual left-turn lanes at this intersection. As a result, as further shown in Table 4.8-9 , once the ongoing installation of the new dual southbound left-turn lanes is completed, the project’s impacts will become less than significant (during both peak hours). Therefore, no improvements to this intersection (beyond the project-required improvement to eastbound Mindanao Way and the ongoing improvements being installed by the County) are necessary.	County Department of Public Works	No monitoring required	1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase	IMPROVEMENTS ARE COMPLETE. NO MITIGATION IS NECESSARY AT THIS INTERSECTION

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
<p>Shared Los Angeles County/Los Angeles City Intersections</p> <p>The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee is the recommended mitigation over the partial construction by this project of any major roadway improvements.</p> <p>4.8-2a: Lincoln Boulevard and Mindanao Way –The “Revised Set of Intersection Improvements” contained in the updated LCP does not identify any roadway improvements for this location, although the TIP of the prior LCP included an improvement to install a new northbound right-turn only lane on Lincoln Boulevard at Mindanao Way. However, this measure has already been installed, this intersection currently provides exclusive left-turn and right-turn lanes, along with three through lanes, on the northbound approach, a left-turn lane, and three through lanes (including a shared through/right-turn lane) on the southbound approach, dual left-turn lanes along with two through lanes (including a shared through/right-turn lane) for the westbound approach, and two through lanes (including a shared through/right-turn lane) on the eastbound approach (eastbound left turns are prohibited at this intersection). There are no additional rights-of-way available to widen any of the intersection approaches, and as such, no feasible improvements are available at this location.</p>	No implementation required	No monitoring required	No monitoring/enforcement required	NO FEASIBLE MEASURES EXIST TO MITIGATE IMPACTS AT THIS INTERSECTION. APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
<p>City of Los Angeles Intersections</p> <p>4.8-3: Lincoln Boulevard and Venice Boulevard – This intersection is already improved with dual left-turn lanes on each approach, in addition to exclusive right-turn only lanes on both the eastbound and westbound approaches (each with right-turn overlap phases concurrent with the northbound and southbound left-turn phases).</p> <p>Lincoln Boulevard and Washington Boulevard – Similar to Lincoln Boulevard and Venice Boulevard, this intersection is also currently improved with dual left-turn lanes on each approach, plus exclusive right-turn only lanes (including right-turn overlap phases concurrent with the northbound and southbound left-turn phases) on both the eastbound and westbound approaches.</p> <p>Lincoln Boulevard and Marina Expressway – This location is currently improved to provide both dual left-turn and dual right-turn lanes on the westbound approach of the Marina Expressway, as well as dual left-turns for southbound Lincoln Boulevard (left-turns for northbound travel are not permitted at this location).</p>	No implementation required	No monitoring required	No monitoring/enforcement required	NO FEASIBLE MEASURES EXIST TO MITIGATE IMPACTS AT THESE INTERSECTIONS. APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
<p>4.8-3 (continued)</p> <p>Mindanao Way and Eastbound Marina Expressway – Improvements were recently completed at this intersection to install dual left-turn lanes on the southbound approach of Mindanao Way (onto the eastbound Marina Expressway), while the eastbound approach of the Marina Expressway is flared at the intersection in order to provide an exclusive left-turn lane (in addition to its typical two through lanes).</p> <p>Lincoln Boulevard and Jefferson Boulevard – This intersection has recently been reconstructed to substantially enhance its capacity and operations (as mitigation for the adjacent Playa Vista development project), particularly in the northbound and southbound directions, and currently provides an exclusive right-turn only lane on the northbound approach, plus dual left-turn lanes on the southbound approach, and dual left-turn and dual right-turn lanes on the westbound approach.</p>				

4.0 Mitigation Monitoring and Reporting Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
Cumulative Traffic Impact:				
<p>The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee is the recommended mitigation over the partial construction by this project of any major roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following improvements, which are consistent with the improvements identified in the LUP, are recommended:</p> <p>4.8-4a: Admiralty Way and Via Marina – Two potential roadway improvement alternatives are identified in the certified LCP to address cumulative traffic impacts at this intersection:</p> <ol style="list-style-type: none"> 1. The first roadway improvement alternative (LCP A) includes the installation of a third left-turn lane (in addition to the two existing right-turn only lanes) on the westbound approach of Admiralty Way at Via Marina, and would also convert one of the three existing southbound through lanes to a new left-turn lane (resulting in a final southbound configuration of two left-turn lanes and two through lanes). 	County Department of Public Works	No monitoring required	<ol style="list-style-type: none"> 1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase 	APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
<p>(Mitigation Measure 4.8-4(a) continued)</p> <p>1. (continued)</p> <p>The northbound approach of this intersection would remain unchanged, and continue to provide two through lanes and one right-turn only lane. The certified LCP does not identify whether roadway widenings are necessary to implement this improvement.</p> <p>2. The second alternative (LCP B) would reconstruct this intersection to realign Admiralty Way and the south leg of Via Marina to operate as a “through roadway,” with the north leg of Via Marina intersecting the realigned Admiralty Way/Via Marina roadway in a “T” configuration. The resulting intersection would include two through lanes in each direction along realigned Admiralty Way/Via Marina, with one westbound right-turn lane and dual eastbound left-turn lanes from this roadway onto the north leg of Via Marina, while the southbound approach of Via Marina at the intersection would provide two left-turn lanes and a single right-turn lane.</p>				

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
<p>4.8-4b Admiralty Way and Palawan Way - There are also two potential roadway improvements identified in the certified LCP to address the cumulative impact at this intersection:</p> <ol style="list-style-type: none"> 1. In addition to the current County improvements to restripe northbound Palawan Way to convert the existing left-turn lane to a shared left-turn/through lane (with the existing shared through/right-turn lane remaining unchanged), and to add a new exclusive westbound right-turn only lane on Admiralty Way, the first improvement alternative (LCP A) would restripe the southbound approach of Palawan Way to convert the existing through lane to a shared left-turn/through lane (but leave the existing left-turn and right-turn lanes unchanged), and would further improve the westbound approach of Admiralty Way to provide an additional through lane (west of the intersection with Palawan Way). This alternative improvement would also convert the new westbound right-turn only lane to a shared through/right-turn lane, to provide a future lane configuration of one left-turn lane, two through lanes, and one shared through/right-turn lane. 	County Department of Public Works	No monitoring required	<ol style="list-style-type: none"> 1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase 	APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.

4.0 Mitigation Monitoring and Reporting Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
(Mitigation Measure 4.8-4(b) continued) 1. (continued) The eastbound approach would continue to exhibit its current configuration of one left-turn lane, one through lane, and one shared through/right-turn lane. As with the ongoing improvement at this location, due to the proposed "shared through/left-turn lane" configuration for southbound Palawan Way, this alternative will require modification of the existing traffic signal to provide north/south opposed phasing operation.				

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
<p>(Mitigation Measure 4.8-4(b) continued)</p> <p>2. The second certified LCP roadway improvement alternative (LCP B) is similar to the LCP A alternative described above, and would again modify westbound Admiralty Way to provide a third westbound lane west of the intersection, and convert the new westbound right-turn only lane to a shared through/right-turn lane (again with no changes to the eastbound approach lane configuration). However, this alternative would also restripe northbound Palawan Way to convert the existing shared through/right-turn lane to an exclusive right-turn only lane, while keeping the new shared left-turn/through lane currently being constructed. Additionally, this alternative would modify the southbound approach of Palawan Way to add a second left-turn lane (resulting in a final southbound lane configuration of two left-turn lanes, one through lane, and one right-turn only lane). As with the LCP A alternative, the traffic signal would be modified to operate with opposed north/south phasing.</p>				

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase	Status
4.8.4 Traffic/Access (continued)				
4.8-4c: Admiralty Way and Bali Way – The LCP improvement to add a second left-turn lane on southbound Admiralty Way at Bali Way, resulting in a final lane configuration for this approach of two left-turn lanes, one through lane, and one shared through/right-turn lane is currently under construction, and no further improvements are proposed.	County Department of Public Works	No monitoring required	1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase	APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.
4.8-4d: Admiralty Way and Mindanao Way – In addition to the ongoing improvements to this intersection being installed by the County to provide a second southbound left-turn lane on Admiralty Way at Mindanao Way, and the project-required improvement to widen the south side of Mindanao Way to install a new shared through/right-turn lane on the eastbound approach of this street (and convert the current shared through/right-turn lane to a shared left-turn/through lane) described earlier (which is also part of the overall LCP improvement at this location), the remaining LCP improvements at this intersection would restripe the westbound approach of Mindanao Way to convert the existing shared left-turn/through lane to a shared left-turn/through/right-turn lane. The traffic signal phasing at this location will continue to exhibit the current east-west “split” phase operations, due to the proposed new eastbound/westbound lane configurations.	County Department of Public Works	No monitoring required	1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase	APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.